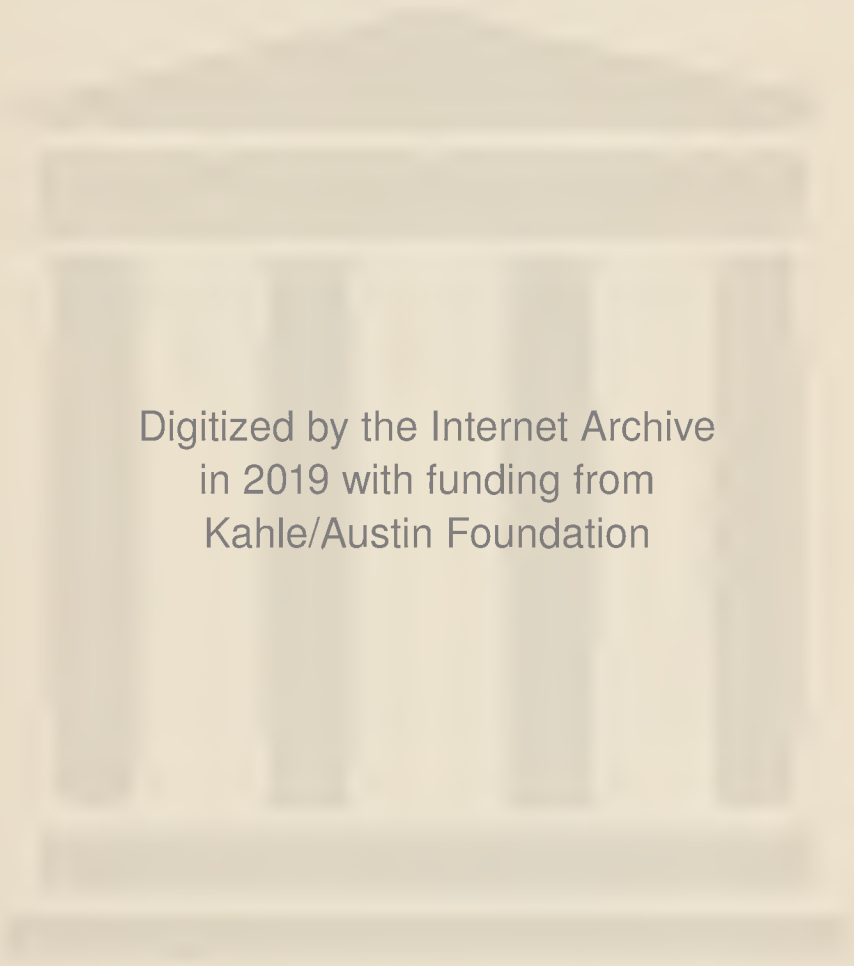
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WARREN HASTINGS AND PHILIP FRANCIS

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INDIA
in the time of
CLIVE & WARREN HASTINGS
Scale 1:20,000,000 (320 miles-1inch)
English Miles
0 100 200 300
British Territory in 1785
Viceroys of the Mogul
Lands held by the Mogul
Lands of the Marathas
Lands of Hyder Ali
Dutch Territory
French
CALCUTTA
and the adjacent
Districts or Zemindaries
1: 10,000,000 (160 miles-1inch)
English Miles
0 50 100
East from 80 Greenwich
70
75
80
85
90
35
30
25
20
15
10
24
22
Pamir
Hindu Kush
Karakoram Mts
Kabul
Khyber Ps
KASHMIR
AFGHANISTAN
SUPREMACY
Suleiman Mts
Indus
Jhelum
Chenab
Ravi
Sutlej
Lahore
Ludhiana
Multan
Bahawalpur
Panipat
Delhi
ROHILKHAND
Rampur
RAJPUTANA
Thar Des
Jats
Bharatpur
Agra
Jaipur
Jodhpur
SIND
Gwalior
Ganges
THE DOAB
Kanauj
Lucknow
OUDH
Cawnpore
Allahabad
Benares
Patna
Gaya
NEPAUL
BHUTAN
San-po
Brahmaputra
Purnea
Udaipur
MALWA
BUNDELKHAND
GUJARAT
Ahmadabad
KATTYWAR
Gulf of Cambay
Kathiawar
Baroda
Tropic of Cancer
Narbada R.
GUNDWANA
SATPURA MTS
Satpura R.
Tapti R.
Vyndhya Ra.
Indore
Surat
KHANDESH
Daman (Port.)
Diu I. (Port.)
BEHAR
Rangpore
Bassein
Aurangabad
Salsette I.
Bombay
Ahmadnagar
Poona
Kurdla
NIZAM'S
DOMINIONS
Hyderabad
Bijapur
Gheriah
1756
Goa
Port.
Bellary
Cooty
ARABIAN
SEA
Canara
Chitteldroog
Dharwar
Gurramkonda
Sanore
MYSORE
Mangalore
Bangalore
Kolar
Ryacotta
Arcot
Cannanore
Mahé (Fr.)
Calicut
Coimbatore
Palghat Pass
Chilambaram
Kranganir
Cochin
Dindigul
Madura
Cochin
TRAVANCORE
Quilon
C. Comorin
Colombo
CEYLON
(Dutch)
Trincomali
x 1782
Orissa
ceded to Bhonsla
1750
Cuttack
Juggernaut
Berhampur
Chicacole
Vizianagram
Vizagapatam
Masulipatam
x 1759
Yanaon (Fr.)
Penner
Coromandel
Coast
Pulicat (Dutch, taken by English 1782)
Madras
Nieeveram
Chingleput x 1780
Sadras
Pondicherry (Fr.)
Cuddalore
Coleroon
Karikal (Fr.)
Negapatam
BAY OF
BENGAL
Calcutta
Chandernagore
Midnapore
Hooghly
Burdwan
Murshidabad
Plassey
Dacca
BENGAL
Ganges
Brahmaputra
Meghna R.
Assam
Ghoria
Jumna R.
Tropic of Cancer
Allahabad
Benares
Patna
Gaya
Rangpore
Purnea
Dacca
Calcutta
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Palghat Pass
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Kranganir
Quilon
TRAVANCORE
Cochin
Malabar Coast
Coromandel Coast
Carnatic
Circars
Northern Circars
Ganjam
Chilka L.
Juggernaut
Berhampur
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Purnea
Rangpore
Gaya
Patna
Benares
Allahabad
Jumna R.
Tropic of Cancer
Ganges
Lucknow
OUDH
Cawnpore

WARREN HASTINGS AND PHILIP FRANCIS

BY

SOPHIA WEITZMAN, M.A., PH.D.

WITH AN INTRODUCTION BY

RAMSAY MUIR, M.A.

MANCHESTER UNIVERSITY PRESS

1929

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TO THE MEMORY
OF MY FATHER

320706

PREFACE

My interest stimulated by a great teacher, Mr. Ramsay Muir, I was drawn to the story of the controversy between Warren Hastings and Philip Francis, when a student at the University. The significance of the points at issue underlying that controversy, with their far-reaching consequences both on contemporary events at home and in India and on the later policy of Britain in India, had never, it was felt, been adequately treated ; and it formed the subject of a thesis presented by me in December 1921 for the degree of Doctor of Philosophy in the University of Manchester. This book, by the generosity of the University authorities and the kindly interest of Professor F. M. Powicke, has grown out of that thesis. It does not purport to be an exhaustive treatise of the subject ; nor to deal with the lives of the two men concerned. It aims rather, while retelling the story of the conflict, at placing facts, many known, some new, in a fresh light ; and at disentangling from the maze of personalities the principles involved. Incidentally it touches on the drama of the Hastings impeachment and the attempted impeachment of Sir Elijah Impey.

Selections from the unpublished India letters and papers of Francis, deposited in 1915 at the India Office Library by Mr. H. W. S. Francis, the great-grandson of Sir Philip, are reproduced in the Appendices. With the published Hastings papers, they form a complete set of documents on the controversy.

In the spelling of native names I have followed for the most part modern usage.

Although a formal acknowledgment is at best inadequate, I would here express my indebtedness for his invaluable aid to Mr. Ramsay Muir, under whose inspiring guidance my Ph.D.

thesis was written and who has kindly helped me with the proofs. To Professor H. H. Dodwell of the School of Oriental Studies, London, my thanks are also due for reading the text of the book before it was in print and for some valuable criticisms. From the authorities of the British Museum, the Public Record Office, the John Rylands Library, Manchester, and the India Office Library—in particular Dr. F. W. Thomas and Sir William Foster—I have had much consideration and assistance, and I am indebted to the Marquess of Abergavenny for access to the Robinson papers. Professor J. Tait and Mr. H. M. McKechnie of the Manchester University Press have been generous in the assistance they have afforded me in seeing the book through the press, while Dr. D. M. Broome has been good enough to read the final proof of the text. The map of India (frontispiece) is reproduced from *Philips' Historical Atlas, Mediæval and Modern*, by Ramsay Muir, by permission of the Publishers.

Finally, I would here place on record the debt of gratitude for innumerable kindnesses which I owe to Professor T. F. Tout, that never-failing friend and patron of all Manchester University history students.

SOPHIA WEITZMAN.

LONDON, 1*st October* 1929.

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(In the time of Clive and Warren Hastings.)

WARREN HASTINGS IN *c.* 1772 . . . . *facing* p. 3
(From the portrait by Tilly Kettle in the National Portrait Gallery.)

PHILIP FRANCIS, from a life-sized pastel, drawn in 1777 ,, p. 18
(Reproduced from *The Francis Letters* by permission of Messrs. Hutchinson and Co., Ltd.)

BIBLIOGRAPHY

I. MS. Authorities.

II. Original Record Sources.

III. Secondary Authorities.

I. The MS. AUTHORITIES consulted in connection with this work comprise the following sets of collections:

1. The Robinson Collection—Eridge Castle.
2. The Hastings MSS. in the Winter Collection—British Museum.
3. The Clavering-Francis Correspondence—British Museum.
4. Other MS. Collections—British Museum.
5. The Francis MSS.—India Office Library.
6. The Phillipps Collection of Hastings MSS.—John Rylands Library, Manchester.
7. East India Papers—Treasury—Public Record Office.
8. The Consultations of the Bengal Council—India Office and British Museum.
9. Bengal Despatches—India Office.
10. Bengal Letters Received—India Office.
11. Court Minutes—India Office.
12. Home Miscellaneous—India Office.

1. The Robinson Collection—Eridge Castle

This curious, interesting and voluminous collection is the property of the Marquess of Abergavenny, the descendant of John Robinson, Secretary of the Treasury in Lord North's administration, and until 1784.

Some of the documents have been numbered and extracted in the appendices to the 10th Report of the Historical MSS. Commission (with an introduction by Maxwell-Lyte); but they comprise a very small proportion of the whole collection, and bear, for the most part, on the domestic policy of Lord North's government and on the issue with the American Colonies. The East India documents proper are preserved (if one may apply the term to a mass of material in a state of neglect and decay) in a huge wooden box, without any sort of arrangement or order, and appear to have been abandoned by the Commissioners as a hopeless pile. These, by the courtesy of their owner, I was permitted to examine.

I found them to contain an invaluable collection of documents and secured copies of as many as the limited time at my disposal would allow. Where possible some of the transcripts have been reproduced in the appendices; but limits of space forbid the inclusion of such as, though of interest to the subject generally, do not bear directly on the issues under discussion.

In the days when no provision was made in the shape of a State record department for the housing of public documents, Robinson's private dwelling served, with the India House, as a sanctum for the India papers among others. It is, therefore, not surprising that the Eridge papers should consist of such a voluminous miscellaneous collection as almost to defy any attempt at classification.

The following list is indicative rather than exhaustive.

(I.) Miscellaneous India Correspondence.

(i.) Letters to and from the members of the Bengal Council—Hastings, Clavering, Francis, Barwell, Monson, Wheler, Stables, Macpherson, Lord Cornwallis—and Lord North, Robinson and the various ministers of State and Directors and Proprietors of the Company.

(ii.) Letters to and from the members of the Madras Council and the same.

(iii.) Letters to and from the members of the Bombay Council and the same.

(iv.) Correspondence of subordinate officials of the Company.

(v.) Correspondence of the Raja of Tanjore with the King and his Ministers.

(vi.) Correspondence of the Governor-General and Presidents of Councils with the country powers in India.

(vii.) Transactions of the British Residents at the various Courts in India.

(viii.) Correspondence with military officials in India—Sir Ed. Hughes, Sir Ed. Vernon, Sir Eyre Coote, etc. etc.

(ix.) Copies of correspondence between the Governor-General and the civil and military officials in India.

(II.) India Home Correspondence.

(i.) Correspondence between Robinson and Jenkinson, Atkinson and Woodhouse on East India affairs.

(ii.) Correspondence between Robinson and the Directors of the Company.

(iii.) Correspondence between Robinson and the Proprietors of the Company.

(iv.) Letters to Lord North and Robinson from Members of the House of Commons on India affairs.

(III.) Copies of the Consultations of the Bengal, Bombay and Madras Councils, for the period (1769–86 approx.).

(IV.) Abstracts of Intelligence from India.

(V.) Plans submitted to Lord North on India government.

(VI.) The Wilks Collection of India documents (1756–82).

(VII.) 'Propositions' drafted by Robinson in conjunction with the Directors and Proprietors, as a basis for the Acts of 1779, 1780 and 1781.

(VIII.) Draft MSS. of Reports of the Committees of Inquiry.

(IX.) MS. copies of (1) Histories of certain Indian potentates. (2) Geographical and descriptive accounts of certain tracts of India.

(X.) Collection of documents relating to the commercial and financial interests of the Company.

(XI.) Copies of contemporary printed publications on topics of India interest.

(XII.) Volumes of translations of native documents and correspondence.

2. The Hastings MSS.—British Museum

I. Official and private correspondence and papers of Warren Hastings (1772–1818), consisting of 264 volumes. (Add. MSS. 28973-29236.)

II. Papers relating to his Impeachment and Trial (1785–95). (Add. MSS. 17066-17082, 24222-24268 and 29219-29225.)

III. Supplementary collections. (Add. MSS. (*a*) 39871-39904, (*b*) 41606-41611.)

Collection I. was acquired for the Museum in 1872 from the widow of the Rev. Thomas Winter (Rector of Daylesford), to whom it had been bequeathed by Sir Charles Imhoff (Hastings' stepson) in the year 1853. It includes:

(1) *Public Documents*

(i.) Copies of the Consultations of the Bengal Council in their Secret Department (1772–85—complete set).

(ii.) Incomplete sets of the Consultations of the Bengal Council in the 'Revenue' and 'General' Departments.

(iii.) Copies of the despatches to and from the Court of Directors and the Bengal Council.

(iv.) Correspondence of the Bengal government and of Hastings with native powers, Residents, military officials, etc.

(v.) Copies and abstracts of bills, treaties, etc.

(vi.) Histories and reviews of the British in India, the Marathas, Oudh, etc.

(vii.) Letters from natives to the Bengal government.

(viii.) Minutes of the Committee of Circuit of 1772.

(ix.) Abstracts of Reports of Provincial Councils of Revenue, 1774–78.

(x.) Memoranda of general business transacted in the Bengal Council (Nov. 1775–Sept. 1780), in Hastings' own hand.

(xi.) Amini Accounts from native records, 1778.

(xii.) Revenue and other Accounts.

(xiii.) Oudh Estimates.

(xiv.) Paper to Pitt on the ' zemindars '.

(xv.) Regulations proposed for the Government of Bengal, undated.

(xvi.) Copies of papers and plans for the better administration of various branches of the Bengal government, 1774.

(xvii.) Diaries in Hastings' handwriting of his visits to Benares and Lucknow, 1773 and 1784.

(xviii.) Draft copy of Vansittart's *Narrative* (corrections, etc., in Hastings' hand).

(2) *Private Correspondence*

(i.) Correspondence with the Company's subordinate officials.

(ii.) Correspondence with friends, Directors, Ministers at home.

(iii.) Letters from Directors, Ministers, etc.

Hastings' own letters have been printed largely in Gleig, *Memoirs of the Life of Warren Hastings*, and several more recently in M. E. Monckton-Jones, *Hastings in Bengal, 1772–74*. The letters from his correspondents in England have hitherto not been published. Selections from among them have therefore been added in the appendices. His correspondence with the Company's officials it has not been found convenient to include. Some have been printed, as for example the "Letters of Alexander Elliot", in the volumes of *Bengal, Past and Present*.

Collection II. consists more or less of MS. copies of speeches and tracts on the Hastings Impeachment and Trial which are to be found printed in parliamentary papers and pamphlets.

III. Of the supplementary collections (*a*) was bequeathed to the Museum in 1919 by Miss Marian Winter, and (*b*) was presented in 1928 by Mr. E. L. Francis. They are not catalogued, but consist of official and private correspondence of Hastings, his diaries and literary remains, with some correspondence of Mrs. Hastings and matter relating to Daylesford. They were used by Gleig and Lawson. The diaries and plans of government (one suggested to Lord Thurlow in 1785 and the other drawn up by Hastings in 1806) are of especial interest.

3. The Clavering-Francis Correspondence—British Museum (Add. MS. 34287)

A disappointing collection consisting of only one volume purchased from Sotheby's in 1893—probably part of the collection of Francis MSS. (see below) sold at auction.

The volume contains (1) The correspondence proper between Genera Clavering and Francis, 1774–77, and (2) The correspondence (1776) of John Bristow, Resident at the Court of Oudh, with both Francis and

Clavering. (1) The interchange of letters between these colleagues in hostility refers merely to minor points of interest. The collection throws little or no light on the discussion of plans or principles between the members of the Majority; but reveals Francis as the penman for his colleagues, and Clavering and Monson as the acting inquisitors into abuses in Bengal and in the campaign to incriminate Hastings. (2) The Bristow correspondence, with Hastings' letters to Middleton on the inception of the office and the official correspondence, provide a wealth of material for a history of the rise and development of the Residency at Lucknow—a subject never yet treated even in outline. Here again space forbids the inclusion of any of the letters.

4. Other MS. Collections—British Museum (Add. MSS.)

(1) Auckland Papers (34423), (2) Hardwicke Papers (35521 and 35918), (3) Impey Papers (16259-16264), (4) Liverpool Papers (38190-38489 and 38564-38581), (5) Macartney Papers (22454-22462), (6) Palk Papers (34685-34688), (7) Wellesley Papers (37282-37284), (8) Windham Papers (37927), (9) Miscellaneous Original Letters (33963), (10) Cavendish Collection of Speeches in the House of Commons (Egerton 215-64).

5. The Francis MSS.—India Office Library

This collection was deposited with the authorities of the India Office Library in 1915, by Mr. H. W. S. Francis, great-grandson of Sir Philip. It numbers 63 volumes (leather-bound or packets of loose tracts and papers) and covers the years of Francis' stay in India. It consists of:

(i.) Volumes of the Bengal Consultations.

(ii.) Official and private correspondence.

(iii.) Views and plans on India government.

(iv.) Matter relating to the Hastings Impeachment. Francis' correspondence with friends in India on the subject.

(v.) Mr. Shore's minutes on zemindary rights, etc., 1778.

(vi.) Copies of the Court of Directors' despatches, 1765–66 and 1772–76.

(vii.) Translations of native documents and treaties.

(viii.) Diary; Memorandum; Journal and 'Autobiographical Fragment —printed in part in *Memoirs of Francis* by Parkes and Merivale.

(ix.) MS. and printed copies of various tracts and pamphlets on India.

The collection of private and official letters and the plans constitute the most valuable part of the whole. Of the letters, several have been published by Francis' biographer in his *Memoirs* and by Francis and Keary in *The Francis Letters*. These, however, are by no means exhaustive and the unpublished letters still remain the most important for our subject. In particular the letters to Lords North and Clive, Welbore Ellis, Alex. Wedderburn, Henry Strachey and Christopher D'Oyly are of especial interest as embodying the political philosophy and views of Francis. Copies of these are therefore reproduced in the appendices, in place of the actual plans, which are bulky and are to be found printed, although in rare and perhaps obsolete pamphlets and buried beneath masses of parliamentary papers.

6. The Phillipps Collection of Hastings MSS.—John Rylands Library

This collection formed the nucleus of a projected ' Indian Library ' at the John Rylands Library, Manchester. It consists in the main of the letters and papers of Richard Johnson, assistant to Middleton at Lucknow and later Resident at Hyderabad. Some of the documents are duplicate or triplicate copies of certain batches of correspondence, noticed in the MS. collections in the British Museum and India Office. The most valuable are the selections from Hastings' correspondence with the country powers and the Company's subordinate officials. (It was the practice, during this period, to send duplicate and triplicate copies of every letter, document, despatch, etc. The members of the Bengal Council are known to have employed a whole staff of amanuenses on the task. The precariousness of the ' Indian passage ' and the value attached to the documents were responsible for the practice. Generally a copy went overland via Suez. As a consequence copies of the same documents exist to-day in the different collections of India MSS.)

7. East India Papers—Treasury—Public Record Office—T. 49, Nos. 1-22

Some original correspondence of the members of the Bengal Council (in particular Clavering) to Lord North ; but mainly duplicates of letters and Consultations noticed elsewhere.

8. The Consultations of the Bengal Council, 1774–85

The most complete set is that in the Record Department of the India Office. This represents, in fact, the collection of original copies of the Consultations, despatched regularly by the Bengal Council in the Company's ships for the immediate information of the Court of Directors.

The set in the Robinson Collection grew out of the copies of the deliberations supplied from time to time by the Court of Directors, or by individual members of the Bengal Council, in illustration of particular points under discussion, and came as enclosures in private letters. Each member also provided himself with a private copy, which explains the partial sets among the Hastings and Francis MSS.

The Consultations form a curious, authentic and instructive collection of materials. Their history is interesting. Under the Company's government, before the intervention of Parliament, the Court of Directors in London, and not the Councils in India, was regarded as the Executive of the Company's concerns abroad. It was the business of the Councils to act merely—in theory—as subordinate instruments for effecting the commands of the Directors. Their members were therefore required to report upon and explain all their actions to the home authorities. In this way it became customary for each member of the Board to enter full and explicit minutes on every point which came up for discussion before the Council. The Regulating Act—which required the Directors to submit regularly for the information of his Majesty's Ministers, intelligence on the revenues, government, etc. of India—confirmed the practice. As a result, it is possible to follow to-day in detail and with the greatest ease the proceedings in Council.

The minutes are expressed with a clarity and precision astonishing to the modern reader. This appears still more astonishing when the complex character of the subjects discussed is taken into consideration. The popular belief, however, that the minutes stand as recorded by members there and then at the Council table, is shown by examination of the MS. deliberations and the correspondence of the members—in particular the Clavering-Francis Letters—to be a fallacy. Every motion, before it came up for deliberation in Council, was circulated among the members, either before or after its first appearance before the Board. It was considered in private by each member, who drew up his opinion upon it and deposited a fair copy in the ' case ', kept specially for the purpose in the secretary's office. These were read at the following meeting of Council and then entered by the secretary on the " Consultations ". All subsequent discussion on the same point was corrected in private before being entered up by the secretary. It is clear from the drafts of ' Proceedings in Council ' in the private collections of MSS. that it was only on points of minor importance or in the details of administration that the Council was expected to deliver an immediate opinion.

The Proceedings consulted in connection with this work are :

(1) The Consultations in the Secret Department, Bengal Secret Consultations (1774–85), referred to as B.S.C. These deal with questions of civil and military administration. It was from amongst these that Sir G. W. Forrest drew his *Selections*.

(2) Consultations in the Revenue Department, Bengal Revenue Consultations (B.R.C.).

(3) Consultations in the General Department—details of administration—Bengal Public Consultations (B.P.C.).

Each volume of the Consultations contains a number of valuable appendices, including translations of important native documents and correspondence.

9. Bengal Despatches, 1772–85—India Office

These are the original drafts of the despatches of the Court of Directors to their Bengal Council. They are a record of the views and decisions of the Court on the transactions, both political and commercial, in India. Extracts from certain despatches under discussion have been added in the appendices.

10. Bengal Letters Received—India Office

(1) Original despatches of the Governor-General and members of Council to the Court of Directors. Copies are entered in the Consultations.

(2) Abstracts of same.

11. Court Minutes—India Office

(1) Court Minutes—Minutes of Proceedings of the Court of Directors.

(2) General Court Minutes—Minutes of meetings of the Proprietors.

12. Home Miscellaneous—India Office

This series (calendared by Mr. S. C. Hill) contains a miscellaneous collection of documents on Hastings' administration and impeachment.

II. ORIGINAL RECORD SOURCES—PUBLISHED

1. Reports of Committees of the House of Commons

(i.) Reports of Committees of 1772–3.

(ii.) Reports of Secret and Select Committees of 1782. (The British Museum copy of the Select Committee Reports contains a number of MS. notes by Edmund Burke.)

(iii.) The 5th Report of 1812. Invaluable for the questions of land settlement and revenue collection.

The Reports contain a wealth of material—copies of letters, plans, extracts of Consultations, etc.—in themselves sufficient for a comprehensive study of Indian conditions and problems of the period and of the attitudo of Englishmen towards them.

2. The Journals of the House of Commons.
3. Parliamentary History, Parliament Register, Debates.
4. Annual Register.
5. East India Tracts—India Office and British Museum.
6. The volumes on the Impeachment.
7. Hastings' *Memoirs relative to the State of India* and *Narrative of the Insurrection at Benares.*
8. Pamphlet publications of Philip Francis.
9. Historical MSS. Commission Reports—in particular the 6th, 9th, 10th and 11th Reports—The Palk, Robinson, Strachey and Sackville Collections.
10. The *Calcutta Review*, the *Calcutta Gazette*, the *Calcutta Advertiser*, Hicky, *Bengal Gazette, Gentleman's Magazine, Public Advertiser.*
11. Letters of Richard Barwell, published in *Bengal, Past and Present.*
12. "Narrative of Henry Vansittart", 1760–4.
13. W. Bolts, *Considerations on India Affairs*, 1772–5.
14. "Narrative of a Gentleman long Resident in India" (Grand's Narrative).
15. *Historical View of the Plans for the Government of British India*, 1793—British Museum and India Office.
16. "Short Review of the British Government in India"—British Museum.
17. Selection of Papers from the Records at the East India House relating to Revenue, Police, Civil and Criminal Justice (4 vols., 1820).
18. Papers concerning the Indian Ryot, Land Tax, Permanent Settlement —India Office.
19. C. U. Aitchison, *Treaties*, etc.
20. Calendar of the Persian Correspondence.
21. Speeches of Francis, Burke, Fox and Pitt.
22. Sir G. W. Forrest, *Selections from the Letters, Despatches*, etc., preserved in the Foreign Department of the Government of India, 1772–85. (Referred to as Forrest, Selections.)

III. SECONDARY AUTHORITIES

G. R. Gleig, *Memoirs of the Life of Warren Hastings* (valuable collection of Hastings' letters); Col. G. B. Malleson, *Life of Warren Hastings*—(Too military and fails to penetrate to the principles underlying the points at issue in Hastings' conflict with the Council. Does not appear to have consulted a single original document); Sir G. W. Forrest, *Administration of Warren Hastings* (1772–85)—The Introduction to the *Selections*; M. E. Monckton-Jones, *Warren Hastings in Bengal, 1772–74*; Sir John Strachey, *Hastings and the Rohilla War*; Sir J. F. Stephen, *Story of Nuncomar and the Impeachment of Sir Elijah Impey*; E. B. Impey, *Memoirs of Sir Elijah Impey*; other 'Lives' of Hastings by Lyall, Trotter, Lawson. Biovès; G. W. Hastings, *A Vindication of Warren Hastings*; Macaulay's Essays on 'Clive' and 'Hastings'; Parkes and Merivale, *Memoirs of Sir Philip Francis*—(Concerned mainly with Francis' earlier career and the Junius controversy. Of little, if any, use for the India period—only in so far as it has committed to print portions of the Francis MSS. Referred to as P. & M.); *The Francis Letters*, B. Francis and E. Keary; *Letters of Warren Hastings to His Wife*, Sidney Grier; General Histories, Auber, Mill and Wilson, Thornton, Beveridge, Marshman, Macfarlane, Grant Duff, etc.; Kaye, *Administration of the East India Company*; Muir, *Making of British India*; Harington, *Bengal Regulations*; Ascoli, *Early Revenue History of Bengal and the Fifth Report*; Auber, *Analysis of the Constitution of the East India Company*; Baden-Powell, *Land Systems of India*; Ramsbotham, *Studies in the Land Revenue History of Bengal*; *Calcutta Review*, i. Articles—"Hastings in Slippers" (vol. xxvi., 1856); on Hastings by Beveridge (vol. lxvi., 1877–78); on Francis by Kaye, 1844, etc.; ii. Reviews of Books; *Bengal Past and Present* (Organ of the Calcutta Historical Society)—i. Publications: (1) Genuine Memoirs of Asiaticus, (2) Mrs. Kindersley's Letters, (3) Mrs. Fay's Letters, (4) A Memoir of Col. T. D. Pearse: His Correspondence with Hastings, (5) Letters of Alexander Elliot; ii. Articles and Reviews: (1) "Calcutta, Old and New"—H. and J. Cotton, (2) Three Frenchmen in Bengal—H. C. Hill, (3) The English in Bengal—Dr. C. R. Wilson, (4) Calcutta, Past and Present—Blechynden, (5) Governor-General of a Day—on Clavering and the succession to the Chair; *English Historical Review*: i. Two articles by M. E. Monckton-Jones on "Free and Open Trade in Bengal", ii. Reviews of Books; *Journal of Indian History* (vol. iii. Part I., Mar. 1924), "Warren Hastings and his Accusers", by P. E. Roberts; Busteed, *Echoes from Old Calcutta*; Sydney Grier, *The Great Proconsul*; *The Creevey Papers*, Maxwell; Lord Brougham's *Sketches*, one on Francis; Nicholls, *Recollections*; Wraxall, *Memoirs*, 1772–84: *A Short Review of the Political State of Great Britain*, 1787; *Diary and Letters of Madame D'Arblay*; Sir Gilbert Elliot, *Life and Letters*; *Correspondence of Edmund Burke*, Fitzwilliam and Bourke; *Warren Hastings' Letters to Sir J. Macpherson*, H. Dodwell; *Chatham Correspondence*; *Correspondence of George III. with Lord North*, Donne; *Correspondence of George III.*, Fortescue; *The Windham Papers*; *Diary of William Windham*; *Burke-Windham Correspondence*; *Cornwallis Correspondence*, Ross; *Lord Metcalfe Papers*, Kaye; Malcolm, *Life of Clive*; *Bland Burges Papers*, Hutton; Lord Teighmouth, *Life*; *Memoirs of William Hickey*; Wylly, *Sir Eyre Coote*; Curzon, *British Government in India*; Foster, *John Company*.

INTRODUCTION

In this book Miss Weitzman has made a solid contribution to the elucidation of a period of vital importance in the history of British India, and to the understanding of the character and work of two very remarkable men, Warren Hastings and Philip Francis. I am glad she has done me the honour of asking me to write an introduction, because this gives me an opportunity of saying that I regard her book as one of the most valuable contributions that have been made for a long time to the understanding of the rise of the British power in India.

Controversy has raged for a century and a half on the work of Warren Hastings. The existing literature on the subject is of daunting volume: its very immensity is one of the greatest obstacles in the way of the student. Apart from numerous modern books, there are available not only the voluminous records of the East India Company at home, and the yet more voluminous Consultations and other records of their agents in India, but an unparalleled abundance of private or semi-private correspondence by the leading actors. Both Hastings and Francis were amazingly industrious letter-writers, and both had a wide range of correspondents whose replies are often of great importance. Some of the minor actors were also very prolific. And, since Indian affairs had in these years become one of the storm-centres of English politics, the correspondence of the politicians—and notably that of Lord North's busy Secretary, Robinson, of which, for the first time, full use has been made by Miss Weitzman—must not be neglected. When there are added to the difficulties arising from this overwhelming abundance of material the further difficulties that arise from the obscurity and complexity of many of the issues in debate, it is not surprising that no satisfactory treatment of the period as a whole has yet been published.

The lack of a clear, comprehensive and understanding account of the governorship of Warren Hastings is one of the most deplorable gaps in English historical literature. There is no question that the work of these thirteen years laid the real foundations of the British Empire in India. Even those who take the most unfavourable view of Hastings will probably acknowledge that the anomalous dominion created by the victories of Clive would have perished of its own rottenness, and left nothing but an evil memory, if the genius and courage of Hastings had not saved it. Warren Hastings was, in truth, one of the greatest of Englishmen: for my own part, I count him the greatest Englishman of the eighteenth century—an age prolific in great men. Yet both his character and his momentous achievements have been obscured by the miasma of party prejudice. He became the victim of party and personal intrigues. He was almost the successor of George III. as the object of Whig hatred. The distorted picture which was first conceived by the malignity of Francis, and then painted in lurid colours by the noble but fevered genius of Burke, has been perpetuated by the cocksure dogmatism of Macaulay.

Much has been done by special studies to recover the truth from beneath the mountainous dregs and ashes of controversy. Sir James Stephen dealt judicially with the case of Nuncomar; Sir John Strachey gave an undistorted view of the Rohilla War—two episodes upon which the heated imaginations of the Whig orators had run riot. Sir George Forrest published valuable collections of Hastings' state-papers; and nobody can read these admirably written documents—for example, Hastings' own narrative of the Benares outbreak, which was written in circumstances of the most extreme anxiety—without recognising in him an intellect of the highest order, matched with an unconquerable courage, and a wide imaginative outlook.

But we owe to two ladies the first detailed and scientific attempts to set in a true light the actual work of Hastings' governorship. Miss Monckton-Jones's *Warren Hastings in Bengal 1772–4* does justice to the astonishing work of the first two years—the only years of freedom for constructive work which

Hastings ever enjoyed. And now Miss Weitzman has set herself to tell the more complex and controversial story of the years of bitter conflict which followed, when Hastings had to fight not merely for his position, but for the preservation of the work he had already done, and for the power to continue it, against a man only less able than himself—Philip Francis. The result of the conflict was that the lives of both were spoilt. And both were capable of great things, though Francis could never have risen to the height of Hastings' noble magnanimity and breadth of outlook.

From Miss Weitzman's very full and careful study Francis comes out very badly, as a man rancorous and unforgiving, a wellspring of venom. But he also emerges as a man of immense ability and persistence. The greatest value of Miss Weitzman's work lies in this, that she has not allowed herself to be absorbed in the merely personal aspect of this conflict. She has seen that there were real and deep issues of principle between the two antagonists, and she has analysed these issues more clearly than anybody has yet tried to do. She has shown also how not only the personal vendetta, but the conflict of principles, was carried on after both of the leading actors had left India. Her tracking of the activities of Francis after his return to England in 1780 is both new and illuminating.

In some sense, the fierce battle between these two remarkable men was a drawn one. Hastings was able to hold his own in India, and to save the Indian Empire from ruin ; but he was never able to carry out the great work of constructive reform which he longed to undertake, and for which he was better equipped, both by capacity and by experience, than any of his successors. Francis, on the other hand, was able to discredit and almost to ruin his great rival, and to force him to waste what ought to have been the most fruitful years of his life in the miserable business of the impeachment : thanks to Francis, the greatest of all English Governor-Generals of India was the only one who received no honour from his sovereign. Again, though Hastings held the field in India, Francis, working at home in England, was able to win acceptance among English politicians for the ideas for which he had fought. As Miss

Weitzman shows, it was Francis's theories of Indian government, rather than Hastings', which did most to shape the India Act of 1784. The Permanent Settlement of Bengal, carried out by Cornwallis and Shore, was the expression of Francis's doctrines on land revenue. The policy of non-intervention in Indian politics and of abstention from alliances with Indian princes, which was pursued from 1785 to 1798, and which had nearly brought utter ruin when it was reversed by Wellesley in the latter year, was also a ' Franciscan ' policy. In the long run, indeed, Hastings' ideas triumphed : later administrators were constrained to return to his conceptions as to land revenue, and to his principles of foreign policy. But we can only guess what that great man would have made of the Indian Empire if he had ever been given a fair chance.

There are few episodes in British history more fascinating in themselves, more pregnant with great results, or more full of political instruction, than the story of the years 1772–1785 in India ; and great issues have not often been focussed in more clear-cut or sharply contrasted personalities than the two remarkable men with whom Miss Weitzman's book deals. She has chosen an ambitious theme. I think her ambition has been justified. She has explored the wilderness of material without losing the whole in the details ; and she has made a real contribution to the elucidation of a difficult subject. I am proud that both she and Miss Monckton-Jones, who have both done much to disencumber a great figure from the rubbish in which it was buried, should have been pupils of mine.

RAMSAY MUIR.

CHAPTER I

§ 1. Introduction

In 1771 Warren Hastings was appointed Governor of Bengal: in 1774 Philip Francis went out to India, a member of the new Council instituted by Lord North's Regulating Act of 1773. A contest, virulent in character and protracted in duration, followed in the Calcutta Council. The personalities involved have so monopolised discussion that it is not generally recognised that the struggle was inspired by a real clash of principles, of themselves potent in transforming an Eastern Despotism—the Old Moghul Constitution — into a British Imperial System. It is intended here to treat of the Hastings-Francis controversy in the light of these principles.

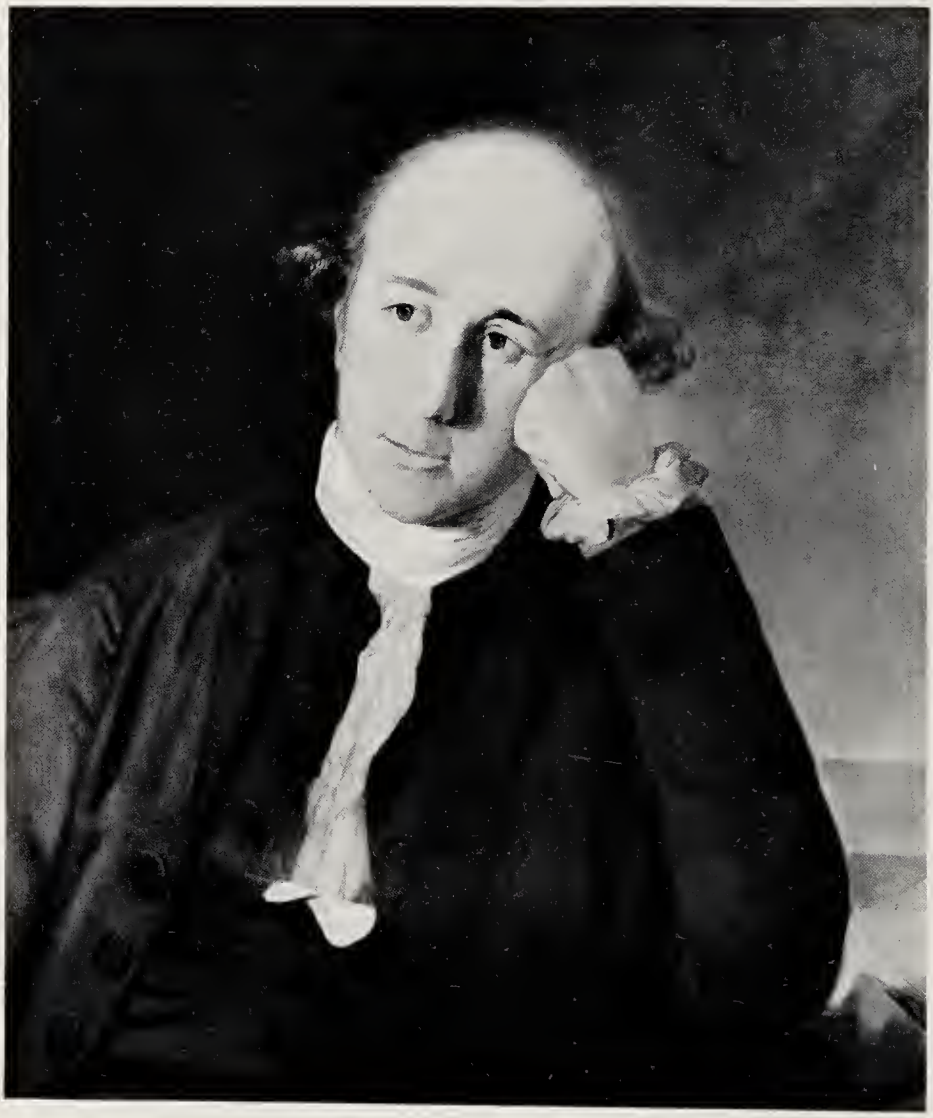
The stage of the conflict—the India of the mid-eighteenth century—was littered with the ruins of decayed and decaying systems. Chaos and confusion had followed the disruption of the Old Moghul Empire. Out of its ruins native governors had carved for themselves quasi-independent kingdoms. Warring principalities replaced a once vigorous central authority, while predatory bands scoured the provinces, looting and murdering with impunity. Everywhere the strong held sway. In the Deccan adventurers were organising armies and fighting for dominion, while the west and centre of the Peninsula had been subjugated by the raiding Hindu power—the Marathas. Torn asunder by internal dynastic strife and dominated by a spirit of aggression, they could not claim to be fit successors of the Moghuls. Nowhere did any consolidating native element exist; every force was a disruptive force; every change presaged only disintegration and decay.

In this scene of confusion and warfare, the English East India Company, a trading concern, had risen to military power and political importance. In Bengal—that province of India with which we are more immediately concerned—successive

revolutions since Plassey had placed the servants of the Company in a position that was doubly anomalous: firstly, the depositary of military strength, makers of kings, they were virtually sovereign over Bengal; secondly, while possessing all the attributes of political power, they yet possessed no political character. The Company's factors and merchants combined the privileges of soldiers and governors, but were precluded from assuming the responsibilities of their position, while the Court of Directors, the administrative body of the Company in London, constantly urged upon them the necessity of jealously guarding their commercial character.

This irregular system had proved disastrous. In Bengal the Company's privileged position crippled the exercise of a native machinery of government which was already effete, rendered its officials impotent, constituted every Company's servant a petty tyrant, and exposed, "to a reckless band of fortune hunters the whole commerce and trade of the country". While the Company's servants racked the provinces and exploited the native artisan to provide the Company's investment, they abused their trading privileges to enrich themselves. The Company paid only nominal salaries and permitted their servants to engage in private trade, a privilege which it endeavoured to limit to the export branch, within the Company's "charter sphere", but in the prevailing disorder no sphere was immune. The Company's servant was ubiquitous: encroaching upon the preserves of the native trader, he even threatened to oust the Indian from the inland market. Ruin faced the native; but impotence made protest futile. Soon avarice and an impoverished Bengal reacted unfavourably on the coffers of the Company and the Court of Directors complained of diminishing returns.

Attempts to relieve the situation met with little success. Clive's mission in 1765 effected a measure of reform in the service, but resulted in no administrative plan adequate to the need. His assumption of the Diwani for Bengal, Behar and Orissa gave the Company a legal footing in Bengal, but the dual system he had sanctioned served but to confound the confusion. Later attempts at reform had a like effect, and when in 1770 came natural disasters—drought and famine—Bengal was harried to the verge of ruin, and the Company, given over to stock-jobbing at home, despoiled by Parliament and ill-served in Bengal, was deeply embarrassed. Public opinion was roused. The attention of Parliament was attracted and Committees of Inquiry were appointed to investigate in England. The Directors, now



WARREN HASTINGS, *c.* 1772

From the portrait by Tilly Kettle in the National Portrait Gallery

alarmed for the very existence of the Company, appointed Hastings in the spring of 1771 to disentangle their affairs in Bengal. While he laboured at the colossal task, the deliberations of the Committees resulted in 1773 in the promulgation of Lord North's Regulating Act and the appointment of Philip Francis to a seat in the Council of Bengal. The events which led up to this appointment and the work accomplished by Hastings in the two years preceding the arrival of his protagonist are reviewed in brief to facilitate the discussion of the issues involved in this historic conflict.

§ 2. Hastings' Work in Bengal (1772–1774)[1]

Hastings arrived in Bengal in February 1772, but it was not until April that he succeeded Cartier as President of the Council. The intervening months were spent in investigating the problems arising out of the Court of Directors' instructions.[2] These were many and complex. In the halcyon days of the Moghul Empire the government of Bengal (comprising Bengal proper, Behar and Orissa) had been entrusted to the joint care of a Nawab and a Diwan, the former in charge of general administration and military organisation, the latter of revenue and finance. With the decay of the central authority this division had disappeared. The Nawab, a minor, was now the creature of the English Company, sustained by their military force : the Diwani had been ceded to them in 1765, but its administration had been left in the hands of the native functionaries. The duties of both Nawab and Diwan were exercised by a native deputy, Muhammad Riza Khan, in theory the ruler of Bengal, in practice the instrument of the Company.

This dual system the Court of Directors were determined to abolish and ordered Hastings to effect the revolution.[3] They announced their intention, " to stand forth as Diwan " and assume openly the direct collection of the revenues. The native officials, Muhammad Riza Khan and his associate for the province of Behar, Shitab Rai, were to be divested of all authority and charged with embezzlement. An inquiry was to be instituted into the delinquencies of the Company's servants ; those found guilty were to be punished. These preliminaries executed, the

[1] For an intensive study of the period, see M. E. Monckton-Jones, *Warren Hastings in Bengal, 1772–4.*

[2] Instructions to Commissioners, 1769, Jones, pp. 115 & 127.

[3] Bengal Despatches, vol. 6, p. 108, 28th Aug. 1771, § 21.

Company's tenure of Bengal was, without oppressing the natives, to be made a financial success. No plan was recommended to secure this happy result: everything was left to the ingenuity of the Governor.

Hastings realised at the outset that the Directors had imposed upon him a task the magnitude and complexity of which they could scarcely comprehend. He was no stranger to Bengal. His early years in the Company's service had been spent there; he had witnessed the revolutions which had made the English masters of Bengal and had championed the native government in the days when one existed.[1] Always a keen student of native character, customs and institutions, he had a nicer appreciation of native needs than most of his contemporaries. He now found that the native machinery of government was decadent, with no hope of revival; that real power was lodged in the servants of the Company, who, while wielding dominion over millions whose prejudices they despised and with whose customs, social and religious, they could have little sympathy, refused the obligations of sovereignty. The distresses of the Company and the miseries of Bengal were inherent in this anomalous arrangement, and no injunctions of the Court of Directors could remedy these evils unless the anomaly were corrected.

Convinced of this, Hastings decided to interpret the Court's instructions in his own way: in short, to invest the Company, despite its limitations, with the administration of Bengal.[2] As a preliminary, the native functionaries, Muhammad Riza Khan and Shitab Rai, in accordance with the Court's instructions, were deposed and brought to Calcutta to stand trial for embezzlement.[3] The Nawab was left surrounded by pomp but powerless in his palace at Murshidabad. His stipend was reduced from 32 lacs (£320,000) to 16, the expenses of his household reorganised, sinecures abolished, and his person, since his affairs no longer comprehended any real administrative significance, entrusted to the care of a lady, Munny Begum, the widow of his father Mir Jafar. Raja Gurdass, the son of Nuncomar, was appointed diwan to the Nawab's household. The Nizamat, the official duties of the Nawab, hitherto exercised by Muhammad Riza Khan, were taken over for the Company. To make the change patent, the seat of

[1] Gleig, i. 117; Vansittart's Narrative, iii. 61-7.

[2] Gleig, i. chap. vii., Hastings' correspondence with the Court of Directors, Laurence Sulivan, Francis Sykes and Dupré.

[3] *Ibid.* i. 246, Hastings' Despatch, 1st Sept. 1772.

government was transferred from Murshidabad, the native capital, to Calcutta, the headquarters of the Company.

The direct control of the Diwani brought Hastings face to face with the problems of revenue and justice. The Diwani involved not alone the collection of the revenue but the civil jurisdiction of the provinces ; more than this, the civil jurisdiction was inextricably complicated with the Nizamat, the sphere of criminal jurisdiction.[1] In taking over the former, Hastings found he had to assume the latter. The revolution, however, was not easy to effect, as the whole problem was complicated. Not only was it difficult to work a native system, alien to European methods of government; but that system had fallen into disorder, was a prey to divided authority, and was corruptly administered by natives whose interest it was to baffle rather than enlighten their European masters. Outwardly, it would appear that no system of justice or administration existed; all real authority was usurped by delegated officials, whether native or English, who regarded the business of government as outside their province. At best, the Moghul system of justice was but loosely organised and productive of numerous irregular subordinate jurisdictions. The courts of the Nazim [2] were moribund; the only court functioning was the Diwani Adalat, the superior court of the Diwan at Murshidabad. Beyond the city a sort of rough justice was administered by the zemindars and other collectors of the revenue, always irresponsible and too often corrupt.[3] Before the system could be made to work it had to be defined.

Clearer lines of division were drawn between the civil and criminal jurisdiction, while the headquarters, in conformity with the policy of centralisation, were transferred to Calcutta. Here two Superior Courts of Appeal, the Sadr Diwani and the Sadr Faujdari, the one for civil cases, the other for criminal, were instituted. Both, the one immediately, the other through the Nazim,[4] were to be responsible to the Supreme Council. Local courts in each district, to facilitate access to justice while making its distribution more equal, were instituted on the same plan. The usurped power of the zemindars, except for minor cases, where it was placed under restrictions, was abolished.[5] A codification of

[1] Gleig, i. 263.
[2] Or Nizam. The deputy (Naib) of the Nawab-Nazim.
[3] Jones, p. 309 ; Gleig, i. 267-73.
[4] B.R.C., Range 49, vol. 41, p. 2762 ; Jones, p. 329.
[5] Jones, p. 324, ' Plan of Justice ', Summary, 15th Aug. 1772.

the Hindu and Mohammedan laws, since the law to be administered was the native law, was undertaken. The whole plan was an adaptation of the Moghul system, new only in that it defined what had never before been defined.

The revenue administration involved problems less capable of immediate solution. The land was the main source of revenue, and, broadly speaking, the two chief problems were assessment and collection.[1] While the former had become obsolete, the position of the original native collectors—the zemindars—was doubtful. Since 1770 English supervisors, appointed in the first instance merely to secure information, had been associated, under the joint control of Muhammad Riza Khan and two Councils of Revenue, composed of the junior servants of the Company, at Murshidabad and Patna, with the native agency in the collections. In 1771 the Revenue Councils had been made responsible to the Superior Council at Calcutta; but the collecting system still remained defective.

The Khalsa or exchequer was now removed from Murshidabad to Calcutta where a new Revenue Council, under the immediate control of the President and Council, was set up. To this new Revenue Council the supervisors, renamed 'collectors', were to be accountable, while native diwans assisted in the work of collection. The collector presided, in addition, over the local diwani courts. These changes failed to secure a satisfactory collecting agency, and early in 1774 the collectors began to be superseded by Provincial Councils whose institution had been ordered by the Court of Directors. They, in turn, proved no more satisfactory, and Hastings himself advocated a system of local native diwans and the further centralisation of the collections at Calcutta. A plan embodying this recommendation was drawn up and submitted to the authorities at home. It was based on the conviction that poor pay and the right to engage in private trade precluded the European collector from concentrating on the work of collection.

On the whole, the experiments to find an effective collecting agency failed, because the collectors were blamed in part for the disappointing revenue returns. Time was to shew that it was the assessment rather than the collecting agency that was at fault. Compelled to form an immediate plan to meet the pressing de-

[1] See Baden-Powell, *Land Systems of India*; Ascoli, *Early Revenue History of Bengal*; Jones, chaps. viii. & ix.; R. B. Ramsbotham, *Studies in the Land Revenue History of Bengal*; Gleig, i. 274-384.

mands of the Court of Directors, Hastings decided to plan a land settlement, experimental in character, which would reveal in time the value of the lands.[1] A land survey, the only sure foundation for a fair assessment, was not possible at the moment. Instead, a Committee of Circuit, consisting of the President and four senior members of Council, toured the districts and formed a new settlement, after an inquiry in each district. Settlements, for a period of five years, were made with such of the zemindars and farmers of the revenue as offered the best terms. As it was hoped that settled conditions would conduce to prosperity, the lands were let out at an increasing annual revenue to government. An attempt was made to safeguard the interests of the ryots—the peasant cultivators—by ordering the farmers to grant ' pottas ', or contracts, guaranteed by government.

Almost immediately this new settlement was revealed as a failure : the lands were over-assessed ; the revenue yield decreased ; arrears accumulated ; farmers and ryots deserted : far from discovering the real value of the lands, it exposed the ignorance of the Company's servants on all revenue matters and the very complex character of the problem. This much was a gain. Hastings returned to the problem, soliciting the help of those revenue officials who were qualified to assist ; but as the agent of a mercantile concern which clamoured for increased returns and ignored the devastated state of the provinces, his task was doubly difficult.

The same difficulty confronted him in the work of building up an efficient administrative service. Slaves to conflicting interests, the Company's servants formed but a weak personnel to work the new government of Bengal ; and while the Company paid only nominal salaries and permitted private trade it was difficult to purify the service. The Court of Directors had ordered the combing out of delinquents ; but Hastings himself was convinced that confidence and not recrimination would ensure integrity in the future ; that it was not innate depravity in individuals but the defective nature of the Company's government that was at fault.[2] This conviction had led him to treat the Directors' instructions to prosecute individuals as of secondary importance, and to recommend, after a lengthy trial, the acquittal of both Muhammad Riza Khan and Shitab Rai.[3] He would have liked to restrict the members of government to the business of governing,

[1] Gleig, i. 249, 259-61 ; Jones, chap. viii.
[2] Gleig, i. 290 & 368.
[3] *Ibid.* i. 390.

to forbid trade entirely : [1] before this could be done, the Company would have to devise for itself a new constitution in Bengal. The Council, consisting of a President and nine members, was itself a scattered body, often absent from the seat of government on commercial pursuits.[2] This could not be allowed to continue, now the Company had assumed the government of Bengal. It threw on the President the responsibility for all measures with power that was accidental rather than real.

To meet these defects, Hastings recommended that the Council be confined to Calcutta and compensated for lost emoluments. With this end in view, he formed one article of inland trade—opium—into a monopoly to provide a fund for the members of the Council whose trading privileges were restricted.[3] He further recommended discretionary powers for the President, as the executive authority, with an extension of the powers of the Select Committee, which had come out with Lord Clive in 1765, and was charged with the execution of special commissions. These recommendations it rested with the Court of Directors to put into effect.

Meanwhile, by drafting new trade regulations he sought to eliminate some of the worst sources of corruption,[4] since the Company was now directly concerned in fostering the prosperity of the provinces and the welfare of the native peasantry and manufacturers. Participation of the Company's servants in the inland trade was restricted, private traders were confined to Calcutta, the ' dastak ', or free pass for the Company's goods, which had operated to the disadvantage of the native trader and defrauded the revenue, was abolished, and all goods subjected to a uniform scale of duty. A new method of providing the Company's ' investment ', calculated to relieve the hardships of the native weavers, was adopted, and a ' Comptroller of the Investment ' appointed. New mint regulations were issued to reform and stabilise the currency of the provinces. Coinage was always scarce in Bengal because of the prevalence of hoarding ; but this scarcity was aggravated by the drain to provide the Company's China investment, to remit home private fortunes and to supply extraordinary expenses. The reorganisation of trade in Bengal led to the opening up of facilities for trade with Oudh and

[1] Gleig, i. 366, Hastings to the Court of Directors, 11th Nov. 1773.

[2] On 23rd Mar. 1770 the Directors had ordered the fixing of the Council at Calcutta. —Jones, p. 133.

[3] Gleig, i. 384 ; Jones, p. 253.

[4] Gleig, i. 287, 304-5, 307 & 331 ; Jones, chap. vii.

Benares, and plans were projected for the extension of trade even beyond the northern confines of India.

Further, to regularise the Company's commercial concerns, every department of business was reorganised and auditors and accountants were appointed, while a special department for trade was instituted. In this way the functions of governor and merchant were differentiated, if not completely separated.

Intimately bound up with reforms in the administration was the problem of the security of Bengal, now a matter of paramount importance to the Company, as the responsible governing body. On the one hand widespread 'dacoity', with marauding bands of Bhutanese and Sunnyasis, threatened the internal peace of the provinces: on the other, danger was to be apprehended from the growing power and depredations of the Marathas. To secure peace internally, troops were levied to expel the marauders and stern measures taken to suppress 'dacoity',[1] but only the penetration of the Company's government and the smooth working of the new system of justice and police could eradicate the evil in the long run. To meet the Maratha menace, Hastings turned to the problem of readjusting relations with the neighbouring States.

It was the policy of the Court of Directors, framed in the hope of avoiding extension of dominion, to deprecate native alliances.[2] Exceptions, however, had been recognised, and alliances subsisted since 1765, when, after Buxar, Clive had drawn up the Treaty of Allahabad with the effete Moghul, Shah Alam, and the Wazir of Oudh whose dominions adjoined Bengal. By the treaty the Moghul, in return for the grant of the Diwani of Bengal, had secured from the Company an annual tribute of 26 lacs of rupees, with, as a private demesne to support his dignity, the cession from Oudh of the districts of Kora and Allahabad. The Wazir had been reinstated in his remaining possessions, and a brigade of the Company's forces placed at his disposal. It was hoped by this arrangement to erect Oudh as a buffer State between Bengal and the Marathas. Much had happened since 1765 to call for a revision of the treaty.

In the first place, the Moghul, since 1771, was the virtual prisoner of the Marathas to whom he had granted a 'firman' for the provinces of Kora and Allahabad.[3] They were preparing

[1] Gleig, i. chap. viii.; Jones, pp. 178-81 & 207.

[2] Bengal Despatches, vols. v. & vi.

[3] Gleig, i. chap. x.; Jones, chap. vi.; Forrest, Selections, i. 188; Calendar of Persian Correspondence, iv. p. xi.

to take possession. Any tribute sent him from Bengal must become their property. In the second place, his defection and the projected occupation by the Marathas of Kora and Allahabad revealed the strategic weakness of Oudh as a buffer State. To the north and west it was flanked by small States in the Doab and Rohilkand which, with Kora and Allahabad, invited Maratha incursions. In the Doab the Wazir was already engaged in operations to forestall the Marathas: with Rohilkand his relations were dubious. This State comprised a small stretch of territory, exposed on the south and inhabited by Hindu peasants under the dominion of a band of Afghan freebooters, the Rohillas, who had conquered the country some decades earlier. A military caste, subsisting by war and notorious for their perfidy, their very character and weakness compelled them to live by fomenting discord among the neighbouring States. They would provoke war, throwing in their lot now with the Wazir, now with the Marathas, while disunion among the chiefs themselves prevented any concerted plan of action. In 1772 they were guilty of a serious breach of faith towards the Wazir who was, in consequence, anxious to expel them from Rohilkand and by annexing their territory to strengthen his own frontiers against the Marathas.[1] In the third place, the Wazir's military operations were dependent on the assistance of the English forces, while his weakness made his demands on them frequent. The sums paid for this assistance were found inadequate, and his alliance, while affording no real security to Bengal, had become a serious financial burden. Again, he was in contact with the military authorities rather than the Bengal government which thus had little control over his policy.[2]

To settle these various points and place the alliance of Bengal and Oudh on a more satisfactory footing, Hastings in the summer of 1773 met the Wazir at Benares where a new arrangement, known as the Treaty of Benares, was concluded.

Direct communication between the Wazir and the Bengal government was established, a Resident was appointed to his court and a new military accommodation reached, by which the whole cost of the Company's brigade, when requisitioned for his service, was to be defrayed by the Wazir. The Moghul had been invited to send a deputy to settle his affairs. He had promised compliance but sent no one and peremptorily demanded the arrears

[1] See Strachey, *Hastings and the Rohilla War*; B.S.C., Range A. 25, pp. 144, 161.
[2] Gleig, i. 305, 334 & 356-60.

of his tribute. It was decided to stay the drain on the Bengal treasury which could ill afford it, by suspending the tribute while he remained a prisoner with the Marathas. At the same time the provinces of Kora and Allahabad were resumed. As the distance and expense involved in their upkeep made their retention by the Company undesirable, they were restored to the Wazir, in consideration of a payment of 50 lacs of rupees. This accommodation secured the Wazir's southern frontier and added a large military fund to the Bengal treasury.

A joint expedition to subdue the Rohillas, in the event of their failing to make good their engagements with the Wazir, was planned. The sum of 40 lacs of rupees was to be paid the Company. The engagement was suspended for some months, but renewed early in 1774, when the Wazir, successful in the Doab and enraged at the continued faithlessness of the Rohillas, solicited the co-operation of the Company's forces in expelling them from Rohilkand. The request was granted, but with reluctance. It was feared the Court of Directors, more particularly because their affairs were then undergoing close examination in Parliament, would censure an exception to their policy of non-intervention: it was felt, on the other hand, that policy and the security of Bengal outweighed considerations of caution.[1] The acquisition of the Rohilla country would rid the Wazir of a dangerous and treacherous neighbour, give him, "a complete state, shut in effectually from foreign invasions", strengthen him against the Marathas, and by bringing his frontier nearer to them, "for whom singly he was no match",[2] ensure his dependence on the Bengal government, while giving them less to defend.

War followed: the Rohillas were too disunited to offer a prolonged resistance: their territory was invested by the Wazir, and in October arrangements for peace were in progress.

In the short space of two years Hastings could claim that, as a result of unremitting toil, much had been accomplished. Many of the difficulties he had been sent to cope with had been overcome. Drastic retrenchments and reorganisation, coupled with supplies from extraordinary sources, had relieved the financial distresses of the Company, had raised them, in fact, from the depths of despair to a position of credit and consequence: their servants had been deflected from pursuits of self-

[1] Strachey, chaps. ix., x.; Gleig, i. 417-42; Forrest, Selections, i. 140-67.
[2] B.S.C., Range A. 25, p. 175, Consults. 26th Nov. 1773; Strachey, pp. 120-2.

interest to the work of reconstruction: the beginnings of a system of internal administration and foreign policy had been elaborated and steps taken to promote the interests of the governed. At the same time many problems had been revealed: many weaknesses in the structure disclosed. Conscious of these, Hastings was preparing for the tasks of reorganisation, when his whole system was rudely challenged on the arrival of the new Council.

§ 3. The Committees of 1772 and the Act of 1773

The financial embarrassments of the East India Company which had led to the appointment of Hastings to Bengal and the pursuit of a policy of retrenchment and reform had brought the Company as suppliants before the bar of the House of Commons. Early in the sixties the reputed wealth of the Company had excited the interest of the opulent Whig oligarchy which might despise trade but found wealth eminently desirable.[1] Many had flocked to invest in the Company's shares: others who wielded the long arm of influence had sought posts in the Company's service for their protégés and dependents. Financial distress consequent on the Seven Years' War raised the question of taxing either the American Colonies or the India Company, and theories concerning the right of the Crown to the territories acquired by subjects began to circulate.[2] The agitation grew, to abate only with the Company's undertaking to pay the nation an annual tribute of £400,000. Before long, however, it became evident that the Company had engaged beyond their means and a respite was demanded.[3] Excitement followed; stocks fell; panic seized the investors: the Directors, it was said, cried out for relief, and yet their servants were returning daily with accumulated fortunes to flaunt their wealth in the eyes of an indignant aristocracy. A clamour arose for the regulation of India affairs by Parliament.

The clamour grew as reports circulated of the iniquitous character of the Company's rule in India. Pamphlets painting the misdeeds of the Company's servants as emulating the atrocities

[1] Letters of Horace Walpole, vi. 28-30.

[2] Chatham Correspondence, iii. 61-4, 93-5, 150-7, 163-6, 168-77, 182-9, 194-201, 212-21; B.M. Pamphlets, 1760–7; *Historical View of the Plans for the Government of British India*, chap. i.

[3] Annual Register, 1773, pp. 63-6; Sykes to Hastings, 8th Nov. 1773. See App. I. No. 1.

of the Spaniards in Mexico flooded the market.[1] Distraught, the Proprietors and Directors turned on one another. The Directors bewailed the lack of adequate powers to punish delinquents. The institution of supervisors in 1769 ; the appointment, in the same year, of a Commission of three, with dictatorial powers, which was lost at sea ; the selection of Hastings to carry out the work of the Commission and the determination early in 1772 by the Sulivan party[2] "to stand forth as Diwan", were all attempts by the Direction to justify themselves before the Proprietors and to check abuses in Bengal by entrusting their affairs to men who could be made responsible in England for their conduct in India ; in short, to establish responsible government for Bengal in Leadenhall Street.

Meanwhile in 1772, impelled by a ministerial intrigue and financial embarrassment, the Company approached Government for a loan.[3] But the Whigs no longer ruled. George III., bent on resuscitating the Tory party, was looking for new fields of patronage and India affairs now assumed a new significance. Lord North referred the Directors to Parliament. It was known that Parliament would not confine itself to the question of a loan : the reported iniquity of the Company's rule would be agitated, while Clive was urging a real system of government for Bengal under control of the Administration.[4] Conscious of the danger the Sulivan party determined to forestall the Legislature. In March 1772 a bill for "the better regulation of the Company's servants and concerns in India" was introduced by Sulivan.[5] It proposed to restrain the Governor and Council from engaging in trade, to institute a new mode of administering justice in Bengal, and to enlarge the Company's powers to punish their servants and place them under new restrictions. It was defeated by Administration who urged that ignorance of India affairs was so great that a thorough inquiry must precede the adoption of any adequate system. On 13th April 1772 a Select Committee of thirty-one members to inquire into India affairs was appointed.

This body sought to secure light on the distresses of the Company and of the Indian peoples and to impress on the nation

[1] See App. I. No. 1.

[2] Sulivan submitted to Lord North a plan of government for India (Robinson Collection), advocating extraordinary powers for the Governor. See App. I. Nos. 2 & 3.

[3] Annual Register, 1773, p. 68 ; Malcolm, *Life of Clive*, iii. 306 ; Correspondence of Edmund Burke, i. 362-3. See App. I. No. 1.

[4] Malcolm, *Life of Clive*, iii. 266, 268, 303-6, 316 & 368.

[5] Parl. Hist. xvii. p. 327 ; Annual Register, 1772, p. 102. See App. I. Nos. 2 & 3.

their duty to the millions over whom the Company claimed dominion. At the same time, it was a prejudiced tribunal, levelling its inquiries at the wealth of individuals [1] and aiming at demonstrating the incapacity of the Company to regulate their affairs and the consequent necessity for the interposition of the Legislature : it secured masses of evidence from the most party-tainted sources and exposed "a scene of rapacity, iniquity and cruelty".[2] The Company denounced its proceedings and proposed to send out a new body of Supervisors.[3] But Administration stepped in and North carried the appointment of a new Committee of Inquiry, the Committee of Secrecy, against the protests of the Company that it would be a packed tribunal, pledged to find what the Minister desired.[4] A week later it issued its first report and brought in a bill to restrain the Company from sending out the proposed Commission. The disputes now rose to the height of frenzy. The Company denied the right of Administration to interfere in their affairs, denounced the Restraining Bill as a violation of their chartered rights and a threat to every chartered corporation in the kingdom. The discussion raised the whole question of territorial sovereignty and crown right. The Whig Opposition, alarmed at the growing power of the Crown, joined issue on the side of the Company, and prominent among the champions of the Company was Edmund Burke,[5] destined to become later their bitterest opponent. Strong as was the opposition, dissensions between the Proprietors and Directors rendered it impotent,[6] and the Restraining Bill was followed on 3rd May by a series of resolutions which became the basis of the Regulating Act of 1773.[7]

The Act was based on the assumption that the Company's affairs, both at home and abroad, had been grossly mismanaged and in consequence the interposition of the Legislature had become necessary. It made certain changes in the constitution of the Company at home and drew up a number of regulations, to hold good for five years, for the management of their concerns in India.

A superiority, with certain ill-defined limitations, over the

[1] In particular Lord Clive who was suspected of scheming to abolish the Company by advocating the surrender of their possessions to the Crown.

[2] Annual Register, 1772, p. 102 ; 1773, p. 67.

[3] Court Minutes, No. 81, pp. 227-30.

[4] Parl. Hist. xvii. p. 527, 26th Nov. 1772.

[5] *Ibid.* xvii. pp. 461 & 900-2.

[6] See App. I. Nos. 1 & 2.

[7] Statutes Revised, iii. 429 ; 13 George III. Cap. LXIII.

other Presidencies, in matters of war and treaties, was given to Bengal whose government was vested in a Governor-General and Council of four, named in the Act. No discretionary powers were allowed to the Governor-General whose voting powers were equal with those of his Council, except in case of a tie, when he could use his casting-vote. A Supreme Court of Judicature, consisting of a Chief Justice and three 'puisne' judges, was established for Bengal. It was to be independent of the Governor-General and Council, to have jurisdiction over all "British subjects" and "persons directly or indirectly in the service of the Company", and to administer English law to all who applied to it for redress, appeal being allowed to the Privy Council. To separate the functions of governor and merchant large salaries were fixed for both Council and Judges who, together with the Company's subordinate officials employed in administrative and judicial work, were forbidden to engage in trade. Further, the inland trade was closed to the Company's agents. The receipt of presents was made illegal and penalties were provided for breach of trust. All information respecting the revenues and government of Bengal was to be transmitted regularly to the Ministry, within fourteen days of receipt, by the Court of Directors.

Power was given to the Bengal Council to pass regulations, subject to the veto of the Supreme Court, for the civil government and good order of the Company's settlements in Bengal. Despite this, the Act was not intended to constitute direct intervention by the British Legislature in the government of the natives of Bengal: it set up, rather, a dual control over the Company's affairs. It was conceived as a measure avowedly experimental, on trial for five years, and though it was no more than a well-meant attempt to check abuses, it implied, as the ultimate object, the institution of a real system of government for Bengal.[1] How far the Ministry was already committed to a definite line of policy in 1773 is a thorny question. It is more than probable that it held no decided views on the subject of India government; that it desired India mainly as a field of patronage and for the rest looked to the instruments of the Act to furnish the necessary

[1] "I am much pleased at hearing that the East India Bill has passed this morning by so great a majority, and trust that it will prove a remedy to some of the many evils, that, if not corrected, must soon totally prevent any possibility of preserving that great branch of commerce; besides, it lays a foundation for a constant inspection from Parliament into the affairs of the Company, which must require a succession of regulations every year; for new abuses will naturally be now daily coming to light, which, in the end, Parliament alone can in any degree check."—George III. to Lord North, 11th June 1773, Donne, i. 141. See also App. I. No. 1.

information, in the ultimate resort. The Regulating Act thus neither sanctioned nor disavowed the system set up by Hastings, and in consequence left the way open for dissension and misunderstanding.

Hastings was nominated Governor-General. Of the old Council only Richard Barwell was retained, the remaining three councillors, General Clavering, Colonel Monson and Philip Francis, being sent out from England. This arrangement was the suggestion of Lord Clive who was largely responsible for the system outlined in the Regulating Act.[1] Sir Elijah Impey, an old schoolfellow and personal friend of Hastings, was appointed Chief Justice, with Messrs. Chambers, Lemaistre and Hyde, the three ' puisne ' judges.

The choice of Hastings as Governor-General was unanimous.[2] Both Administration and the Company were agreed on his merits. With the Sulivan section in the Direction his credit was of long standing, while his recent work in Bengal had won for him the regard of a wider circle of Directors and Proprietors, with many of whom he had engaged, since his appointment as Governor, in an exhaustive correspondence on all matters of revenue, justice and finance.[3] Further, the Committees of Inquiry had revealed his worth to the Ministry, while his friends had been careful to impress his claims on both the King and Lord North.[4] This favourable impression Clive in his conversations with the Monarch had probably deepened ; though he disliked Hastings' connection with the Sulivan party, he had a high opinion of his ability and integrity and is known to have been instrumental in securing his removal to Bengal in 1771.[5] Nevertheless, in nominating Hastings, North sacrificed a great field of patronage : Hastings had no family connections to conciliate : there were many influential applicants for the post. It was said that Lord Clive himself would not have refused the appointment, while the claims of Thomas Rumbold and Lord Pigot were canvassed by powerful sections.[6] Two motives—equally powerful—probably weighed with Lord North :

[1] Malcolm, *Life of Clive*, iii. 266, 268, 303-6, 316 & 368. Negotiations with Clive were carried on through Alexander Wedderburn, the Solicitor-General, and Clive's counsel. Clive sent Henry Strachey, his secretary, "a sketch of my ideas for a plan on India", with instructions "to take it in hand and methodise it". The plan (dated 24th Nov. 1772) is included in the *Historical View of the Plans for the Government of British India*, pp. 55-70.

[2] See App. I. Nos. 1, 2 & 4.

[3] Gleig, i. & ii. ; B.M. Add. MSS. 29133-47.

[4] See App. I. Nos. 1-4.

[5] Clive to Hastings, 1st Aug. 1771, Malcolm, *Life of Clive*, iii. 256.

[6] See App. I. No. 1.

the desire, on the one hand, now that the Ministry had satisfied its claims on the Company, of conciliating the Sulivan section (its bitterest opponents in the Direction) ; the necessity, on the other, of continuing at the head of affairs in Bengal a man of experience, until General Clavering, the King's protégé, was prepared to assume the task.[1]

To Hastings the appointment would bring at least security of office for a protracted period. Under the old system his plans for reform had been vitiated by the danger of imminent removal, for the Direction, a fluctuating body, made and recalled Governors at random.[2] But there were many features of the Act which must evoke apprehension: the denial to the Governor-General of discretionary powers, the investing of the second in Council with the chief military authority, the composition of the Council itself, the rumoured design of Administration to render him, as Sulivan said, "a splendid cypher",[3] with the institution of a Court of Justice to dispense not native but English law—were all matters for conjecture and uneasiness.

The selection of Barwell, contemporary opinion attributed to chance.[4] Someone, it was said, had thrown out a hint to Lord North that he was second only to Hastings in ability. The son of a former Governor of Bengal, he had held a chiefship at Dacca and possessed a comprehensive knowledge of revenue matters, which had made of him a persistent opponent of Hastings at the Council Board. Of late, urged by advices from home, dissension had given way to union with Hastings to whom he was becoming sincerely attached.[5] His talents, though of no mean order, were hardly such as to have earned for him widespread recognition at home, and it is highly probable that he owed his appointment more immediately to the efforts of his sister, Miss Mary Barwell, who always remained an indefatigable worker on her brother's behalf and who, by sheer pertinacity, appears to have exerted considerable influence in official circles.[6] On the other hand, the reasons which weighed with Lord North in the choice of Hastings probably held good in the case of Barwell whom Clive, in recommending

[1] Francis, in his 'Memorandum' (P. & M. II. p. 47), says: "The General dreaded nothing so much as Hastings quitting the government." See App. II. No. 20.

[2] Gleig, i. 366-77. See App. I. No. 1.

[3] See App. I. No. 2.

[4] See App. I. No. 1; *Bengal Past and Present*, vol. xii. part ii. p. 185, Barwell's Letters to Lord North and J. Robinson, 30th Nov. 1774.

[5] *Bengal Past and Present*, vol. xii. pp. 69, 80 & 185, Barwell to Miss M. Barwell, Henry Savage and Lord North, 30th Nov. 1774.

[6] B.M. Add. MS. 29136, p. 345, Caillaud to Hastings, 20th Nov. 1775.

the retention of one member of the old Council,[1] may have expressly mentioned.

Of the three new councillors, Clavering and Monson were, though soldiers of repute, of little intellectual endowment and no administrative ability. Monson had seen service in southern India, but was a total stranger to Bengal: Clavering had never set foot in India. Both were possessed of modest means, with powerful parliamentary connections, and both were the immediate choice of the Crown.[2] The Regulating Act had provided Administration with a new weapon in the dispensing of patronage, and Clavering and Monson were sent out to assist in the work of governing a great foreign dominion because George III. found it essential to secure the backing of their friends. To Clavering, in fact, the King was wholeheartedly devoted and his appointment had been carried not without opposition. Many in the Direction had supported the claims of Lieutenant-General Robert Monckton;[3] only North's promise to provide elsewhere for that gentleman had enabled him to carry the nomination of Clavering. With the latter's appointment went the position of Commander-in-Chief of all the forces in India.[4] This had been carried by Lord North's manœuvres in the Direction after the passing of the Act and in the teeth of violent opposition from the Proprietors.[5] Monson was to succeed to the command in the event of Clavering's promotion to the Chair, or his demise.

The third and most remarkable councillor was Philip Francis. Until 1772 he had been employed as chief clerk in the War Office, when he had resigned, rumour said, "in consequence of an altercation with his chief, Lord Barrington".[6] An adherent of the Whig influence and of no family consequence, there is something extraordinary in his selection to a post of so much importance and emolument as that of a seat in the Council of Bengal. It is hard

[1] Malcolm, *Life of Clive*, iii. 256; Donne, *Correspondence of George III. with Lord North*, i. 138; Fortescue, *Correspondence of George III.*, ii. No. 1267.

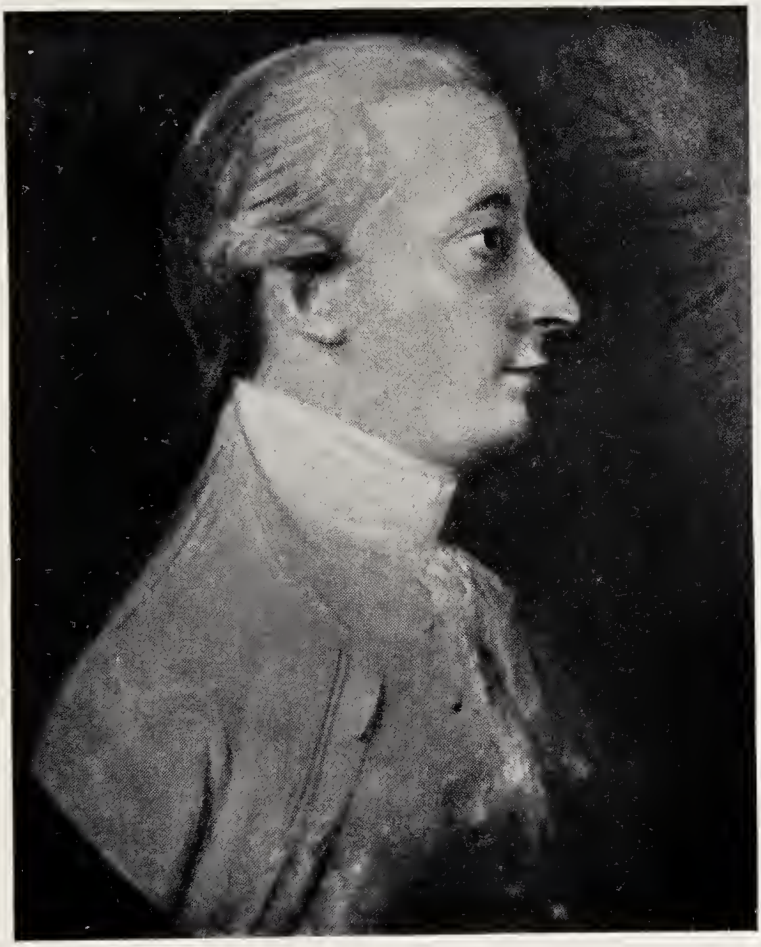
[2] Donne, i. 138.

[3] *Ibid.* i. 137-43, George III. to Lord North, 4th, 8th, 10th & 12th June 1773; Parl. Hist. xviii. pp. 893-7. See App. I. No. 1.

[4] "I hope the command of all the troops in India is clearly given to him [Clavering] by the Bill, for from the beginning he declared without that he could not think of going." —George III. to Lord North, 8th June 1773, Donne, i. 138.

[5] See App. I. Nos. 5.

[6] *Memoirs of Sir Philip Francis*, P. & M. I. pp. 273-80. In a letter to John Stewart, 9th Apr. 1774 (*Bengal Past and Present*, vol. xii. part i. p. 47), Barwell writes: "Mr. Francis is the man of business for the Government. His talents were in so much repute that the Opposition made his resignation of the post of the First Clerk in the War Office an object. It was hoped that the station of Deputy Secretary vacated at the same time with the loss of the person who was entrusted with the whole weight of the business might have distressed Government and embarrassed Lord Barrington."



Francis.

From a life-size pastel drawn in 1777

to explain on the score of merit, in the days when merit alone did not enable one to scale the political ladder : that of influence is equally doubtful. He was little known in official circles, possessed but few influential connections and was a total stranger to the Direction.[1] Some few Proprietors owned to a nodding acquaintance with him, but hardly such as comprehended any knowledge of his character or abilities. His nomination came as a surprise to many,[2] and such it has remained. His connection—sufficiently established—with the Junius Letters has provoked the suggestion that the appointment was, if not the reward for their discontinuance—they had ceased to appear after January 1772—the outcome of the desire of the King and Lord North, to whom the identity of Junius had been disclosed, to be rid of a dangerous and hostile critic.[3] But there exists no direct evidence on the point. Francis himself, in his ' Autobiographical Fragment ',[4] attributed his success to the exertions of Lord Barrington and to the fact that Mr. Cholwell, one of the intended councillors, had deferred his resignation late. Had the Minister had more time to look round he would have been defeated by some " superior interest ".[5] In acknowledging his indebtedness to Lord Barrington,[6] he added, " other interests contributed "—a phrase which has been taken to imply a veiled reference to the Junius secret. But by it he probably meant nothing more than that others with influence had spoken in his behalf. Whether he was acquainted with Lord Clive before his appointment is doubtful ; but he was certainly established as an intimate friend of the family immediately after.[7] With Clive, he was an adherent of the Grenville connection[8] and

[1] See App. I. Nos. 1 & 2.

[2] Even to his immediate friends. " *But how did you get the appointment ?* It is miraculous to me that a man should resign his office in 1772 and in 1773, without any change of the Ministry, be advanced in so very extraordinary a manner. Your merit and abilities I was always ready to acknowledge ; but I was never taught to think much of Lord North's virtue, or of his discernment. His treatment of you has in some measure redeemed him in my opinion."—Tilghman to Francis, P. & M. I. p. 326.

[3] P. & M. I. p. 326.

[4] Printed in P. & M. I. pp. 355-70.

[5] " As to the other gentlemen that have applied to you, I do not know anything of their personal qualifications, except Mr. Francis, who is allowed to be a man of tallents (*sic*)."—George III. to Lord North, 8th June 1773, Donne, i. 138. Fortescue (ii. No. 1267) now publishes North's letter to George III. to which this was a reply. " Mr. Francis . . . is highly extolled by those who know him for his abilities, his industry and his integrity. The objection against him is, that he was so lately a Clerk in an Office." The other applicants were Sir George Macartney, Peter Lascelles, Dr. Ferguson, Andrew Stewart. North maintained in the House that he had found it difficult to get anyone to accept the appointment. (Cavendish MSS. Eg. 250, p. 64.)

[6] Francis wrote Barrington frequently from Bengal, always acknowledging him his " patron and benefactor ". See App. II. Nos. 5, 7, 14, 18 & 20.

[7] P. & M. I. pp. 331-7 ; See App. II. Nos. 1, 4, 5.

[8] *Ibid.* ; Malcolm, *Life of Clive*, iii. 266.

they had a mutual friend in Christopher D'Oyly[1] who, it is very probable, secured the former's interest in support of Francis' candidature. Here again, however, there is no conclusive evidence.

Junius or not, Francis had received early practice, intensive in character, in the art of scurrilous writing and malignant denunciation.[2] Like his colleagues, he knew of India only from the partial reports circulated by the Committees of Inquiry; but unlike them, he was a man of extraordinary ability, widely read, steeped in the political philosophy of his day, with a capacity for terse, lucid exposition. Alone of the new councillors, he was ambitious with an ambition born of conscious capacity and transcending the limits of military command. For years he had chafed at a fate which had condemned him to the obscurity of clerical occupations and had sought an outlet for his suppressed energies in anonymous publications. Finally he had thrown up his post in disgust at the destiny which confined him to minutiæ and the petty triumphs of a clerical career.[3] Unemployed, with the Whigs in opposition, he was speculating on the prospects of settling in the West Indies or of going out to India in a private capacity, when this appointment to a seat in the Council of Bengal opened up to him possibilities undreamt of and incapable of definition. He resolved he would be supreme in Bengal, he would acquire an independent fortune and return home to be hailed as the saviour of the British Dominions in the East.[4] At thirty-four he was setting forth on the path to fortune and fame. Spurred on by ambition, he hastened to remedy his ignorance of India affairs. Walcot, Lord Clive's seat, saw him frequently. Here he profited by his stay to suck the brains of Clive and his secretary, Henry Strachey;[5] here he absorbed Clive's plans and prejudices on everything relative to the government of India.[6] Feeling that his appointment was the outcome of the misrule of the Company's servants in Bengal—a view confirmed by Clive and Lord North—he regarded himself as the

[1] P. & M. I. p. 332. D'Oyly, before his resignation early in 1772, was Deputy-Secretary at War and a colleague of Francis at the War Office. Francis carried on with him a very confidential correspondence during the whole of his stay in India.

[2] P. & M. I. chaps. iii. iv. & v.

[3] *Ibid.* pp. 273-80 & 364.

[4] See App. II. Nos. 4, 5, 7, 14 & 20.

[5] "I gave you in writing a faithful abstract of every measure of his [Lord Clive's] Government. If you cannot form a better system, dare to recommend it as the best."—Strachey to Francis, 1st Apr. 1776. See App. II. No. 17*d*. Francis wrote Strachey frequently and at great length from India. See Apps. II. & IV.

[6] P. & M. I. pp. 331-40. See App. II. Nos. 4, 5, 7 & 14. "I find that this Mr. Francis is entirely in the interests of Lord Clive. Everything contributes to the greatness of that man who, whether government or the Company prevails, will go near to govern India."—Burke to Rockingham, 20th Oct. 1773, Burke's Correspondence, i. 446.

depositary of justice, charged to correct great abuses.[1] With these abuses Hastings, in his mind, was intimately associated.[2] He knew of him only by hearsay and, with characteristic reserve, was disposed to question his reputation for integrity. While he was prepared to credit him with parts, he refused to recognise these as sufficient reason for his continuance in office, when the government of which he had been the head had been "censured and abolished". Improving on Clive's disapproval of Hastings' friendship with Sulivan, he suspected that Hastings was the instrument of a self-interested party in the Direction, with whom Lord North had had to compromise, and that beneath all Hastings' show of reorganisation and reform he was secretly pulling the wires of party intrigue.[3] For by what higher motives could Hastings be actuated than those which animated politicians at home? A cynic, always ready to attribute the actions of men to the meanest of motives, India was to make of Francis an envenomed one.

With Clavering and Monson he had become acquainted before sailing. Ten long months of bickering between the Company and the Ministry had followed the passing of the Act.[4] The frenzied agitation of the Company had given place to a sullen resentment; in this mood they had proceeded to frame a set of 'Instructions' for their Bengal Council, the Directors submitting one list, a committee of seven Proprietors, another.[5] The latter had hoped at the eleventh hour to rescue their commercial concerns from the hands of Administration by setting up a Board of Trade in Bengal, independent of the Council. This attempt Administration had defeated.[6] Then had followed a bitter conflict on North's proposal to appoint Clavering Commander-in-Chief of all the forces in

[1] "I conceived that we were to be armed with extraordinary power to correct enormous abuses. A great and important trust appears to be reposed in us. . . . The interposition of the Legislature was deemed necessary to save the East India Company from ruin."—'Autobiographical Fragment', p. 367. "When I see this glorious Empire, *which I was sent to save and govern*, tottering upon the verge of ruin. . . ."—Francis to J. Bourke, 30th Nov. 1774. See App. II. Nos. 4, 5, 7, 14 & 20; also App. I. Nos. 6.

[2] P. & M. I. p. 370, 'Autobiographical Fragment'; *ibid.* II. pp. 44-64, Francis Memo: "Considering the nature of our appointment, and the curiosity and expectation with which our conduct was likely to be observed, a union with Mr. Hastings would have been a very dangerous measure." See App. II. Nos. 16*c* & 20.

[3] P. & M. II. p. 46, Francis Memo. See App. I. No. 6*c*.

[4] P. & M. I. pp. 367. See App. I. Nos. 1 & 6.

[5] The Directors' 'Instructions' were supported by Hastings' friends and opposed by the new members on the ground that they still left too much power with the Board of Trade—P. & M. I. pp. 340-2 & 367. See App. I. Nos. 5 & 6.

[6] The Ministry supported the Directors' 'Instructions' as the lesser of two evils; they were carried 3rd Feb. 1774.

India.[1] Again the superior weight of Ministry in the Direction had carried the motion ; but the dissensions had exasperated the new members. The King's solicitation[2] alone had prevented Clavering from throwing up his post in disgust ; while Monson bitterly resented the delay in recognising his claims to the eventual command.[3] Francis had availed himself of these proceedings to make himself serviceable to Clavering ;[4] and the voyage out improved his opportunities. For six months, confined within the bounds of an Indiaman, the new councillors lived in constant intercourse. Whatever course policy may have suggested or expediency urged, fate had supplied the opportunity for preconcerted action. Quick to take the measure of his new colleagues, Francis, by a process of judicious flattery, prepared the way for converting them into staunch adherents of his own views, obsequious imitators of his temper and pliant tools for his schemes : in effect, they became merely numerically important—Francis had armed himself with three votes in place of one.

[1] So violent did the dissensions become that Clavering challenged the Duke of Richmond, the staunch advocate of the Proprietary interest and opponent of the Ministry.—Francis MSS. No. 46 ; P. & M. I. p. 367.

[2] Donne, i. 145.

[3] P. & M. I. pp. 340-3 & 367-8. "Monson had private reasons of disgust. . . . Clavering appeared to be very uncertain whether he should act under such instructions or not and dropped hints of resigning."—'Autobiographical Fragment'. See also App. II. No. 20.

[4] "Lord North also approved of the plan for carrying General Clavering's appointment proposed to Mr. Robinson in my letter of this day."—Note by Francis, 23rd Jan. 1774, Francis MSS. No. 46, p. 141. Francis acted as penman for his colleagues before sailing, drafting their several letters of request to the Ministry.—Francis MSS. No. 46. He believed that Clavering was entrusted with the policy of the Crown. "General Clavering . . . I presume, is honoured with the King's confidence and is acquainted with the plan and intentions of Government."—Francis to D'Oyly, 17th May 1775. See App. II. Nos. 5*k* & 20.

CHAPTER II

CONFLICT IN THE COUNCIL (1774–1776)

THE new Council left England in the *Ashburnham* on 1st April 1774, touched at Madras on 1st September, where letters [1] of welcome from Hastings were read, and landed at Calcutta on 19th October. Alongside had sailed the Judges in the *Anson*, and acrimonious aspersions against the Supreme Court, for whom the new councillors had no love, had enlivened the voyage out.[2] As the ship entered the Hugli it was almost wrecked by a storm. This soured a little the temper of the passengers. A few days before a friend of Clavering, a Mr. Joseph Fowke, a private merchant, whose trading privileges Hastings' retrenchments had curtailed, had met the party down the river and given the General " some useful lights into the state of affairs and character of persons " in Bengal.[3] Clavering was bewildered; Fowke succeeded in confirming whatever suspicions Francis had sown. On landing the new councillors were greeted with a salute of seventeen guns and conducted to the Governor's house where the members of the old Government had been assembled to meet them. Here the protagonists met and Hastings failed to impress Francis. The new members, as was soon whispered through Calcutta, were offended at not being greeted with a salute of twenty-one guns, while it was common knowledge in the settlement that there had arrived three very dignified gentlemen, who were inclined to treat the Governor with a superciliousness that contained an element of offended pride.[4]

On the 20th the members met in Council.[5] The 'Instruc-

[1] Printed in Gleig, i. 452-5. See App. II. No. I.

[2] Mackrabie's Journal, Francis MSS. No. 44.

[3] See App. II. No. 20.

[4] Forrest, Selections, i. 137-40, Hastings' Despatch, 3rd Dec. 1774; Robinson Collection, Clavering Letters, Dec. 1774. " The mean and dishonourable reception we met with at our landing gave Clavering the second shock."—Francis Memo. P. & M. II. p. 44. See App. II. No. 20.

[5] B.P.C., Range II. 7, p. 1.

tions '[1] of the Court of Directors, abolishing the old constitution and inaugurating the new, were read. They were replete with good advice. After exhorting the Council to unanimity and concord, they urged, in vague, general terms, "the preservation of peace in India", required the Council to meet twice a week, instructed the Governor-General to carry on all correspondence with the native powers, but to submit his letters to the approval of the Council, making such submission retrospective. The Council was further authorised to review the general position of the Company's affairs and instructed to use discretion in the formation of alliances and in the regulating of relations with both native and foreign powers. A Board of Trade was set up,[2] an inquiry into the causes of an increasing military expenditure ordered with a reduction of the bonded debt. Hastings' system of letting the lands in farm was approved and the Council was advised to continue it. A recommendation to inquire into past abuses and enact regulations to prevent their recurrence concluded the 'Instructions', with a further exhortation to unanimity and injunction to give every aid to the Supreme Court in its institution.

The retrospective and invidious character of the Court's Instructions suited the temper of the new members. To inquire was easier than to construct: they set to work to give effect to the letter of the Instructions.[3] The Instructions exhorted them to peace: they found a war just being brought to a successful conclusion: this alone appeared matter for censure. Hastings advised them to adjourn the Council meeting until the return of Barwell who was absent up country, when he would lay before them a review of his administration. They adjourned with reluctance. Their anxiety to censure rather than to co-operate puzzled Hastings. Was this the reflection of public opinion at home on the measures of his administration? Why then had he been continued in a position of such trust? Why, on the other hand, had his powers been crippled and Clavering specially invested with powers as Commander-in-Chief? He consulted with his former colleagues, even considered the prospect of

[1] Bengal Despatches, vol. 7, pp. 49-80, Instructions dated 29th Mar. 1774.

[2] The Board was to be practically independent, the Governor-General having only a general power of supervision, and was to be consulted in the making of such treaties, etc., as concerned it.

[3] B.P.C., Range II. 7, p. 1, Consults. 20th Oct. 1774; Forrest, Selections, i. 137-40, Hastings' Despatch, 3rd Dec. 1774; B.S.C., Range A. 24, pp. 242-335, Majority's Despatch, 30th Nov. 1774.

resigning, but could he leave Bengal to the ignorance of the new councillors? He determined to stand his ground,[1] appealing if necessary to the justice of his employers; and proceeded to pen his review.

Meanwhile the new members were not inactive. Francis' suspicions were fast resolving themselves into convictions.[2] Hastings appeared anxious and worried. This confusion of mind must be the result of conscious guilt, of the fear of exposure, of the suspicion that his new colleagues were not men who could be bought. Why did he not come forward and confess and allow him, the magnanimous Francis, to forgive and condone his weaknesses? He and his colleagues held princely levees.[3] Information from all quarters came pouring in.[4] Hastings' retrenchments had created a numerous body of malcontents and, in any case, the native was quick to discern that a change had taken place at headquarters, that Hastings was no longer all-powerful. All who desired political advancement or had a personal grudge to satisfy flocked to the levees of the new arrivals, ready to supply evidence, sometimes perjured or forged, against the Governor-General. The new members could not know the character or temper of the people in whose midst they found themselves. The Legislature had condemned the administration of the Company's servants: they were securing daily proof of the truth of that condemnation. Francis was soon convinced that Hastings was some hideous monster in human form, that Bengal was the "seat of a corruption unparalleled in the history of mankind", that bribery "shameless and avowed" was preparing to entice them within its web. "The first glance", he asserted, "of the measures of the preceding Administration convinced me that the root of the tree and every branch of it was rotten." Hastings, he was sure, was manœuvring to buy him; but he would not be bought: he would not benefit by the distress of Bengal.[5] He

[1] Forrest, Selections, i. 183, Hastings' Despatch, 16th Jan. 1775.

[2] P. & M. II. pp. 49, 50, Francis Memo. See App. II. No. 20.

[3] Vansittart's Correspondence, Mar. 1775. See App. II. Nos. 9.

[4] "The practices which have since been discovered in the administration of the Company's Revenue, did not immediately upon our arrival come before us with that degree of evidence on which we could entirely depend. We thought, however, we could scarcely be imposed upon by giving some credit to the reports voluntarily made to us by such persons as had either courage to declare themselves openly against the abuses of the late administration or privately to make known the true state of the Government; especially as we found these reports coinciding with and confirmed by the public discourses and opinions of the whole settlement."—Majority Despatch, 11th Apr. 1775, B.S.C., Range A. 28, p. 2107. See App. II. No. 20.

[5] P. & M. II. pp. 49, 50, Francis Memo.; Francis MSS. Nos. 36 & 62. See App. II. Nos. 4 & 5.

impatiently awaited the meeting of Council. It met on the 25th.[1]

A masterly résumé of everything undertaken and accomplished since his succession to the Chair was submitted by Hastings. It dealt succinctly with the question of revenue administration and foreign policy, in particular the relations with Oudh and the Rohilla War. Of revenue and fiscal matters the Council were as yet ignorant: the Court of Directors had approved Hastings' measures:[2] they were content to refrain from discussing them. They turned with relief and violence to the Rohilla War. Hastings might have spared himself the labour of a résumé. The Majority came prepared with a decided resolution, "to reprobate the whole system of foreign policy and to take the speediest measures to negative the effects of the war".[3] It was sweepingly and emphatically condemned on the score of policy and good faith, denounced as 'impolitic' and 'unjust', and the correspondence of Hastings with the Resident at the Court of Oudh, Mr. Middleton, and with Colonel Champion, the officer commanding the troops, demanded for inspection.[4] Hastings offered to comply in part with the demand by submitting such of the letters as were relevant to the subject.[5] This they declined, they would have the whole.[6] When it was urged that the submission of the whole would involve a violation of faith towards Mr. Middleton, the letters having been penned in strict confidence, in accordance with the usage of the service, Francis was convinced that Hastings was a corrupt tyrant, that he had much to conceal, that the letters would expose him to the world.[7]

On the 26th[8] the Majority moved for the recall of Middleton, ordering Colonel Champion, the officer in command of the English contingent, against the protests of Hastings, to treat with the Wazir in his stead. Hastings on the 27th signified to Middleton the decision of the Majority.[9] The Wazir burst into tears at the news. In the short space of a week the new Council had succeeded in sowing alarm among the Company's allies and

[1] B.S.C., Range A. 24, p. 1, Consults. 25th Oct. 1774; Forrest, Selections, i. 113.

[2] In Instructions of 1774.

[3] Forrest, Selections, i. 183; 'Memoranda for Proceedings in Council', 24th Oct. 1774. See App. II. No. 2.

[4] B.S.C., Range A. 24, p. 38. That these several resolutions were decided upon before Hastings submitted his 'résumé' is clear from the 'Memoranda for Proceedings in Council', dated 24th Oct. 1774. See App. II. No. 2.

[5] B.S.C., Range A, 24, pp. 46-51, Consults. 26th Oct. 1774.

[6] *Ibid.* and pp. 81-7, Consults. 28th Oct. 1774; Forrest, Selections, i. 120.

[7] See App. II. Nos. 2, 4 & 20.

[8] B.S.C., Range A. 24, p. 51.

[9] See App. II. No. 3.

in undermining that reputation for good faith Hastings had striven to acquire. On the 28th[1] Clavering presented a series of propositions, demanding that the troops engaged in the recent campaign be recalled within the Company's line of demarcation, the field of military operations limited and Colonel Champion instructed to insist on the fulfilment by the Wazir of those obligations which had induced the Company to aid him in the war. Weeks of contest followed.[2] The Governor-General expostulated on the iniquitous character of the propositions, entered into a lengthy justification of the Rohilla War, urged the impolicy of putting undue strain on the Wazir and proposed the addition of a ' rider ' giving the Company's officer a discretionary power with respect to the recall of the troops. Barwell supported the amendment, vindicated Hastings against the calumnies of the Majority and recorded his protest against Clavering's motion. Francis spoke eloquently of " national honour " and " just principles of policy ", but the discussion tended to degenerate into a mere exchange of satirical epithets between him and Barwell. The Majority were indignant at their failure to win him over.[3] The propositions were carried. Mr. Bristow, a protégé of Francis and most assiduous frequenter of the Majority's levees, was despatched to Oudh as successor to Middleton with instructions to correspond privately with the members of the Majority.[4] Hastings was impotent. Calcutta had been advised of the fact : the Wazir had suffered its effects : it now remained to secure his recall with Barwell to England.

To effect this the Majority united to inquire into, condemn and expose all Hastings' administrative measures.[5] The campaign opened with vigour : the Rohilla War furnished a mine of material for denunciation. Voluminous representations penned by Francis in the shape of despatches to the Court of Directors, private letters to Lords North, Clive, Barrington, Welbore Ellis and a host of influential friends of the trio went home to denounce

[1] Forrest, Selections, i. 122.

[2] B.S.C., Range A. 24, Consults. 31st Oct., 3rd, 7th, 8th, 14th & 21st Nov. 1774.

[3] Clavering Letters, 1774 ; P. & M. II. p. 63, Francis Memo.

[4] B.S.C., Range A. 24, p. 529, Consults. 21st Dec. 1774, and *ibid.* 26, pp. 701-4, ' Instructions to Bristow ', 3rd Feb. 1775. A brother-in-law of General Fraser who had access to the Directors and the Ministry, Bristow was well connected ; but Francis' patronage of him which Francis hoped would advance the Majority's cause in England, offended the Bute family, as Hastings had proposed Frederick Stuart, a son of Lord Bute, for the post at Lucknow. See App. II. Nos. 16*c* & 17*a*.

[5] P. & M. II. p. 49, Francis Memo. See App. II. Nos. 4, 16*c* & 20. To expose Hastings' iniquity the Directors, Lord North, etc., were exhorted to publish in England all the papers relating to the Rohilla War.

Hastings as a corrupt tyrant, a wicked despoiler of small States, flagrant in his disobedience of the commands of the Court of Directors, anxious only to feather his own nest.[1] These representations, they were convinced, must issue in his recall. Until then, they must work together and " push H. & B. to extremity". No time was to be lost in carrying out this resolve. Francis rummaged among the ' Consultations ' of the preceding administration, collecting matter to condemn its measures, while Clavering and Monson conferred with the scum of Calcutta and (it was said) bribed, threatened, even compelled aecusations, all in the cause of the public service to incriminate Hastings.[2] Calcutta became a den of conspiracy. Francis reduced the treasured accumulations within the bounds of a despatch. This he regarded as not alone the most laborious but the most meritorious part of his work in Bengal, claiming credit from all on the score of it.[3] The knowledge he acquired in the course of his rummagings in this anti-Hastings campaign was to bear fruit in the near future.

It soon became apparent that personal interest and divergent principles were alike inimical to harmony in the Council. The Council Chamber was converted into a field of combat where the pen waged a battle more subtle and certainly as portentous as any yet fought on Indian soil. The Rohilla War, the Benares Treaty, the Wazir's stipulation, foreign policy in general continued to form the main topics of dissension. On the 19th and 28th of December the Majority resolved themselves into a Committee of Inquiry on the conduct of the Rohilla War, and cross-examined Colonel Leslie, Major Hannay, and Colonel Champion, in the hope of fixing on Hastings, in conjunction with the Wazir, the stigma of barbaric cruelty in its execution.[4] The air was thick with challenge and counter-challenge, insinuations, retorts. Ordinary business was suspended as if the composition of the

[1] " We had reason to believe that Hastings had not gone up to Benares nor engaged in so dangerous and unwarrantable a measure as the extirpation of a nation allied to the Company without taking ample care of his own fortune."—Francis Memo., P. & M. II. p. 51. See App. II. Nos. 4, 5 & 20.

[2] B.M. Add. MS. 34287, Francis-Clavering Correspondence ; Add. MS. 29136, pp. 94-138, Vansittart's Correspondence ; Gleig, i. 513-17. See App. II. Nos. 9 & 10.

[3] " That part of the execution of our plan which fell to my share was considerahle enough to employ me incessantly . . . without the relaxation of a day, and whether the representations sent home in the names of General Clavering, Colonel Monson and Mr. Francis prove anything hut the lahour of the composer, of this at least . . . I am assuredly the sole and exclusive proprietor."—Francis to Welbore Ellis, 18th Nov. 1777. See App. II. Nos. 5, 16c & 20.

[4] B.S.C., Range A. 24, pp. 483-511 & 532-40, Consults. 19th & 28th Dec. 1774 ; Forrest, Selections, i. 162-76.

Board's general letters to the Court of Directors, representing the case of the opposing side in as invidious a light as possible, refuting arguments and denouncing insinuations, was the chief object of government.[1] The actual work of administration the Majority were content to leave to Hastings, while they laboured to discredit him. And within limits, with the aid of Barwell and a service in the main loyal to him, he contrived to keep some semblance of government in existence.[2] He had projected many plans of reorganisation before the arrival of the new Council ;[3] these had to be postponed until the decision of the home authorities should be known. With the Majority he had lodged an appeal to both the Directors and Lord North ;[4] but he entertained little hope of a favourable decision. The care with which the Majority studied to widen the breach when principle would have bridged the gap ; the avidity with which they adopted every suggestion which might tend to blacken his character ; the artfulness with which they attributed the basest of motives to his every action, all led him to believe that they were the agents " of a premeditated design to drive me from the government ".[5] Determined to counteract the campaign of calumny, he despatched to England, early in January 1775, Colonel Macleane, as his private agent to watch over his interests at home.[6] A year must elapse in the transit of despatches and meanwhile, to prevent the machine of government being completely paralysed, he commenced in conjunction with Barwell and George Vansittart to draft a new plan of revenue settlement to supersede the quinquennial one on its expiration.[7]

Matters were in this state of suspense when, on 26th January 1775, the Wazir of Oudh died, recommending his son and successor Asaf-ud-daula to the protection of Hastings.[8] To the Majority the late Wazir had appeared the very incarnation of

[1] B.M. Add. MS. 34287, Francis-Clavering Correspondence.

[2] B.P.C., Range II. vol. 7 ; Gleig, ii. 43-51.

[3] Gleig, i. 477, Hastings to R. Palk, Dec. 1774.

[4] Forrest, Selections, i. 137 ; Gleig, i. 469 & 471.

[5] Forrest, Selections, i. 177, Hastings' Despatch, 16th January 1775 ; Gleig, i. 517, Letter to Lord North, 27th Mar. 1775.

[6] Gleig, i. 507. Macleane was to deliver to Lord North a copy of Hastings' correspondence with Middleton. He sailed with J. Graham and F. Stuart, two members of the old Council, and was entrusted with a commission to the King and Ministry from the Nawab of Arcot.

[7] G. Vansittart to J. Graham, 28th Mar. 1775; B.R.C., Range 49, vol. 51, p. 1007. See App. II. No. 9*b*.

[8] Forrest, Selections, i. 208 ; B.S.C., Range A. 24, p. 725, Translation of a letter from the Wazir of Oudh to Hastings, received 5th Feb. 1775.

corruption and cruelty.[1] With Hastings he had been a party to a nefarious bargain—the Treaty of Benares ; he was now dead ; the bargain was therefore at an end. On 13th February the Treaty was declared in Council to be null and void.[2] If the new Wazir should solicit the British alliance, though they had no concern " with the business of making Nabobs ", they would exert their influence to have his succession confirmed by the Moghul, provided that he agreed to a new arrangement with the Company.[3] A new treaty was drafted. The renewal of alliance with Bengal was to be conditional on the cession by Oudh in perpetuity to the Company of the revenues of the district of Benares and the increase of the monthly subsidy for the brigade to 260,000 rupees, the supposed estimate of the actual cost.[4] A heated debate followed at the Board. Hastings and Barwell denounced the proposed arrangement as sheer plunder and questioned the Wazir's ability to discharge the increased obligations. The Majority were obdurate. Francis declared the Benares tribute to be " a preliminary and fundamental condition ".[5] On 3rd March the propositions were carried and instructions sent to Bristow to secure the Wazir's consent.[6] Asaf-ud-daula had no alternative. The new arrangement was ratified as the Treaty of Fyzabad,[7] the Majority voting their Resident a lac of rupees for his services in obtaining the Wazir's signature.[8] Despatches, extolling the measure as " solely and exclusively ours ", went home to assure the Court of Directors of the diplomacy of their new Council.[9] And meanwhile Oudh, burdened with obligations it could not meet, an incompetent British Resident and a weak and vicious ruler, saw the beginning of a reign of complete anarchy.

Early in 1775 Francis' vague dream of securing advancement in Bengal began to take more definite shape. General Clavering talked sulkily of resigning.[10] Three months of bickering had told on his temper, while he was appalled at the task that

[1] " Such a miscreant has not existed since the days of Nero."—Francis to Lord Barrington, 25th Feb. 1775. See App. II. No. 5*e*.

[2] B.S.C., Range A. 26, pp. 795-7.

[3] *Ibid.* pp. 797-800 & 803-8 ; vol. 27, p. 1306, Majority's Despatch, 25th Feb. 1775.

[4] *Ibid.* vol. 27, pp. 1126-38, Consults. 3rd Mar. 1775.

[5] Forrest, Selections, ii. 266. See App. II. Nos. 7 & 16*c*.

[6] B.S.C., Range A. 27, pp. 1144-51, 8th Mar. 1775.

[7] *Ibid.* vol. 29, pp. 3-24, Consults. 6th June 1775. Signed 21st May 1775.

[8] Forrest, Selections, ii. 397.

[9] B.S.C., Range A. 29, p. 715, 31st July 1775. See App. II. Nos. 7 & 16*c*.

[10] See App. II. No. 20.

would confront him were Hastings to resign. He had confided his fears to Francis as early as December 1774 : [1] Francis determined to work for his own ends. To effect these he would have to play a double game. The Court of Directors were partial to Hastings ; he had served their interests well : the Crown had more influential interests to satisfy. He would have to overcome the twin obstacles—prejudice and interest. The Court of Directors must be convinced that only the recall of Hastings could save Bengal : the Crown must be caught by an attractive policy, in the execution of which he himself must be shewn to be indispensable. All Hastings' measures in Bengal must be shewn to have been undertaken in flagrant disobedience to the Directors' instructions. This was not difficult to demonstrate. The Company had not desired political responsibility ; Hastings had thrust it upon them : they must be reduced to their original character of a trading concern, while the government of Bengal —an English conquest, belonging " de jure " to the Crown— must be vested solely in the English Parliament. In advocating such a policy, Francis hoped to make himself indispensable to the Crown.

In these views originated his plans for the government of British India, Lord North, Lord Barrington, Lord Clive, the latter's secretary, Henry Strachey, Welbore Ellis and his own particular friend Christopher D'Oyly constituting the channels through which he commenced in the early part of 1775 to advertise them to the world.[2] This policy implied likewise the widening of the range of attack in Bengal. " The justification of our own conduct can only be supported by a strong and deliberate censure of the measures of the preceding Administration," became the Majority's clarion cry.[3] Hastings' fiscal policy, the farming system, the system of revenue collection, his minor reforms, all alike were passed in review, sweepingly and indiscriminately condemned in frequent despatches to the Court of Directors and, where possible, thwarted in their operation. The Bengal treasury was shewn to be in a state of chronic insolvency : [4] elaborate estimates doctored in secret conclave were despatched home to paint the bankrupt condition of Bengal and Hastings as

[1] P. & M. II. p. 48.

[2] See App. II. Nos. 5 & 7.

[3] B.S.C.. Range A. 24, p. 242, Majority's Despatch, 30th Nov. 1774 ; Forrest, Selections, i. 183 & ii. 282 & 296.

[4] B.S.C., Range A. 24, pp. 242-335 ; vol. 26, pp. 565-602 ; vol. 27, pp. 1269-1302 ; vol. 28, pp. 1878-95 & 2105-13, Majority Despatches of 30th Nov. 1774 and 11th Jan., 25th Feb., 21st Mar. & 11th Apr. 1775.

the prime cause of its distress. "The condition of this country cannot long be concealed," they warned the Directors, "effects will be felt before they are accounted for. When that happens, we foresee no difficulty in determining by what means and by whose misconduct a rich and flourishing State has been reduced to the hazard at least of beggary and ruin." [1] "Bengal in 1765", wrote Francis to Lord Clive, was "in a state of Innocence and Purity. . . . It was Paradise before the fall . . . compared to the condition in which I found it." [2] He had resort to a secret code to defame his colleagues. "Mr. Hastings wholly and solely has sold and ruined Bengal. He is the most corrupt of villains, and Mr. Barwell is an ignorant, false, presumptuous blockhead," he added in figures.[3] Dignity of expression even must be left behind in the campaign ; he had to paint the situation in the blackest of colours and he could not be too scrupulous in their selection.

In the event of his failing to secure the backing of the Crown, he sought, at the same time, a connection with the Opposition. To this end he had early discerned the necessity of capturing Burke, the strenuous opponent of the Regulating Act and the champion of the rights of the Company in Parliament. By appealing to Burke's emotional mind with lurid pictures of the Company's oppressions in Bengal, Francis hoped to effect a change in his point of view. In lengthy letters to John and Will Bourke, close friends of Edmund, he penned descriptions, pathetic in the extreme, of the miseries of Bengal, exhorting them to enlist the sympathy of Edmund, to raise an outcry at home to have the latter sent out, adding that he, for his part, was ready to work "with him or under him" for the salvation of Bengal.[4] Later

[1] Forrest, Selections, ii. 203. [2] See App. II. Nos. 4 & 5.

[3] *Ibid.* Figures occur most frequently in the letters to D'Oyly to whom Francis referred his other correspondents for the explanation. The 'decipher' is among the Francis MSS. No. 52.

[4] P. & M. II. p. 18, Francis to J. Bourke, 30th Nov. 1774: "I should be ashamed to throw away a thought upon my own misery—the greatest however that my nature is capable of enduring—when I see this glorious empire, which I was sent to save and govern, tottering upon the verge of ruin ; and no other hope before me but barely that of preserving my own honour from the general destruction. . . . Let the Court of Directors look to it ; this is not a question of party, nor does it touch the India Company alone : the question goes to the nation—Bengal or not Bengal ? . . . The corruption is no longer confined to the stem of the tree, or to a few principal branches ; every twig, every leaf is putrefied. Obtain a sight of our despatches. Talk to Ned Burke : there must be a vacancy. He is wanted here . . . common men will not do. . . . Let me conjure him by everything he owes to his own honour, to the cause of truth, to justice, and to the English nation, to banish every idea of prejudice or predilection when he examines the Indian question, which I think will soon go before Parliament. . . . He and every honest man . . . must

events were to prove that his appeals had not fallen on barren ground.[1]

Coupled with the condemnation and exposure of Hastings went the assertion, frequently reiterated, that Francis and Francis alone was capable of saving Bengal. "If I am recalled, or if an arrangement should take place under which I cannot exert myself with effect," he assured Lord Clive, "you may as well take leave of Bengal forever."[2] His immediate friends and relations, several of whom had accompanied him to Bengal, wrote in the same strain. Francis had, in fact, convinced himself that such was the case. Thrust into a world of strange beings, ready to pour into his ears tales of corruption, of vicious avarice, of lacs of rupees and of the abuse of power with violence and murder, he believed himself trapped in the very stronghold of vice itself. Hungry to secure evidence to discredit Hastings, he had precipitated himself into a situation truly nightmareish; his unhealthy imagination made monsters out of weak men; his bleared sight read lacs for rupees; his insane suspicion saw corruption in policy, perversion in justice, dissolution in reform, anarchy in organisation: he lived in a state of irritation and disgust, impatient for advices from England to bring him news of the dismissal of Hastings.[3] The maintenance of unanimity among his confederates in opposition was not always easy. Though deferential to them in public, he despised them as wholeheartedly as he did Hastings and Barwell.[4] Each in turn was a source of uneasiness to him; both were constantly threatening to resign.[5] At one time the Majority was even imperilled by a threatened marriage alliance between Barwell and one of Clavering's daughters.[6] He sought distraction at the

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come forward and give us his support. Tell him from me—and as I speak truth with knowledge, so may I be honoured with his friendship or blasted with his contempt—that everything he has ever said of the state of domestic affairs represents a state of innocence, of purity, a refinement of virtue, an excess of integrity bordering upon a vice, compared with the condition in which we find the administration of this wretched country." See App. II. Nos. 18.

[1] See Chaps. V. & VI.

[2] P. & M. II. p. 29. See App. II. Nos. 4, 5, 7 & 20.

[3] See App. II. Nos. 4-7, 14-16 & 20.

[4] "Our late proceedings will enable you to judge how far General Clavering is fit to take this or any lead in the conduct of great affairs."—Francis to D'Oyly, 1st Mar. 1776. "General Clavering is unquestionably one of the most resolute men I ever met with; however, in these times and in this place in particular some other qualities are necessary to recover a country going fast to ruin, besides resolution"—same to same, 2nd July 1775; and "You know how I think and how I feel about [Clavering]: *That dominion would be unsupportable*"—same to same, 13th Sept. 1776. Seo App. II. Nos. 6, 15 & 18.

[5] P. & M. II. p. 48, Francis Memo. See App. II. No. 20.

[6] P. & M. II. pp. 31 & 63. See App. II. No. 6.

card-table. His leisure hours were spent in a round of vicious gaieties ; the Calcutta of the day reproduced in miniature, but in even greater splendour, all the vices of an eighteenth-century London, with its abandonment to the dissipations of a society as unprincipled as it was opulent.

But such distractions were not the compensation he sought for his Indian banishment ; he craved power, and power meant the removal of Hastings. Hitherto, however assiduous he had been in undermining Hastings' good name in private and questioning his personal integrity in his public representations to the Court of Directors, he had taken care to have it understood that he was opposed to the Governor-General on the score of principle and in the interests of the public good. Now impatience to be rid of Hastings made him indiscreet. Prominent among the hordes of Hastings' traducers was the notorious Nuncomar. A Brahmin who had held office and intrigued against the English in the days of Mir Jafar, he had early come into collision with Hastings.[1] His perfidy and love of intrigue had made his name a by-word [2] even in Leadenhall Street and Westminster long before the advent of the Majority, while his hostility to the Governor-General had increased on finding his claims to office ignored on the downfall, which he had been instrumental in effecting, of Muhammad Riza Khan.[3] Lust for power was his chief vice and he had early thrown in his lot with the Majority.[4] Whatever their policy, their ignorance must give him the advantage he desired. It was he who had given the tone to the Majority's levees ; he who had diffused an air of conspiracy throughout the length and breadth of Calcutta ; he who had infected the new members with a spirit of violence.[5] It was to Clavering and Monson, through the medium of Joseph Fowke, that he had first addressed himself.[6] With them, for some months past, he had been busily engaged in preparing a series of charges of corruption against the Governor-General. Francis suspected a plot ; [7] but had been prepared to bide his time. The moment now appeared to him opportune to make use of Nuncomar. On 11th March 1775, at the request of

[1] Gleig, i. 62-9, 252 & 270.

[2] See App. I. No. 3.

[3] The Directors, in their Despatch of Aug. 1771, had ordered Hastings to employ the services of Nuncomar in overthrowing Muhammad Riza Khan.—Bengal Despatches, vol. 6, p. 67.

[4] P. & M. II. p. 49, Francis Memo. ; B.S.C., Range A. 28, p. 2109.

[5] B.M. Add. MS. 34287, Francis-Clavering Correspondence ; Gleig, i. 505, Hastings to L. Sulivan, 25th Feb. 1775. See App. II. Nos. 9.

[6] See App. II. No. 20.

[7] P. & M. II. p. 49, Francis Memo.

his colleagues, he laid before the Board a letter from Nuncomar, well knowing that it contained charges of corruption against Hastings, though unacquainted with their character.[1]

The letter was read : it charged Hastings with having received for his private use a fabulous sum for the appointments of Munny Begum and Raja Gurdass to the Nawab's household. The Council then dispersed. On the 13th the subject was resumed. A further note was read from Nuncomar ; he craved an audience to substantiate his charges. A curious scene followed. The Majority desired Nuncomar to enter and invited Hastings to try his own case. Hastings with temper declared the Council meeting dissolved and left the Council Chamber ; Barwell followed. The Majority elected Clavering to the Chair and as a self-constituted authority proceeded to hear and determine a complaint lodged against their chief at their own instigation. Nuncomar was at the zenith of his glory : high and low resorted to his ' durbar ' ; here complaints, extorted or forged, were supplied in abundance.[2] After a ludicrous perusal of all this concocted evidence, the Council's mock court of law found Nuncomar's charges substantiated and ordered Hastings to make good the sums converted to his private use. Hastings replied by instituting on 20th April a suit in the Supreme Court, charging Fowke and Nuncomar with conspiracy. Calcutta was ablaze with excitement. Nuncomar was committed to gaol ; here the Majority visited him in state. A trial followed : the plaintiffs were advised to prosecute. No sooner was this advice given than on 4th May Nuncomar was again committed to gaol on a charge of forgery. The prosecutor was a native, Mohun Persaud, whom Nuncomar had defrauded many years before and who had begun a suit against him in the Mayor's Court at Calcutta. Mohun Persaud now proposed to have his case tried in the Supreme Court.

After a lengthy trial of eight days, before Chief Justice Impey, the three puisne judges and a jury of twelve, Nuncomar was found guilty and, in accordance with a strongly held interpretation of the English law, sentenced to death. He petitioned for the protection of the Majority, addressing himself in particular to Francis.[3] They ignored his appeal : he was hanged on 5th August 1775. A week later a document bearing his signature and reflecting on

[1] For the proceedings relating to Nuncomar see (*a*) Forrest, Selections, ii. 298-315 ; (*b*) Sir J. F. Stephen, *Nuncomar and Impey* ; and (*c*) E. B. Impey, *Memoirs of Sir E. Impey.* Fowke and Goring had assisted in preparing the charges. See App. II. Nos. 9, 10 & 20.

[2] Gleig, i. 516. See App. II. Nos. 9 & 10.

[3] The letter is printed in P. & M. II. p. 37.

the character of the Judges found its way to the Board ; [1] Francis ordered it be to burnt by the common hangman.

Hastings' vilest accuser had been removed ; but Nuncomar hanged would serve Francis' purpose to greater effect than Nuncomar alive. His death removed a dangerous and perjured witness, while the charge of having connived at it could be levelled against Hastings, who, Francis lost no time in insinuating, had succeeded with the aid of Impey in judicially murdering a troublesome witness. " Nuncomar ", he wrote home to his friends and to the Court of Directors, " might have been a notorious rascal, but by— ; he spoke truth or why were they in such a hurry to hang him ? " [2] He had had it within his power to attempt a commutation of Nuncomar's sentence ; he had scorned to undertake it, because he believed in his own heart that Nuncomar was villainy personified and that his representations against Hastings were " part of a plan laid with Joseph Fowke, to take possession of us, as soon as we arrived, and through us to govern the country ".[3] Yet the significance of the events which had preceded his execution Francis was not the man to ignore ; and he used it with such consummate skill that after forming one of the heads on which Hastings and Impey were later impeached, the story that Nuncomar was the victim of a ' judicial murder ' found confirmation in the pages of Macaulay.

Nuncomar removed, Muhammad Riza Khan became the Majority's special protégé. They had refused to meet him in public when invited by Hastings, excusing themselves on the ground that no intimation of the Court of Directors' attitude towards him had yet been received ; [4] but they had no objection to plotting with him in private. Early in 1775 a connection had been established with him through the good offices of Charles Goring, a civil servant who after a short absence in England had returned to Bengal in the wake of the Majority.[5] Francis was

[1] On 14th Aug. 1775 it was presented by General Clavering at whose house it had been left. The Majority refused the Judges' request to see the document, ordering it to be expunged from the proceedings of Council.—Forrest, Selections ii. 412-15, Consults. 14th to 16th Aug. and 4th Sept. 1775. Hastings showed it to Impey in private.

[2] Francis to H. Strachey, 16th Sept. 1776 ; Forrest, Selections, ii. 475-81, Majority Despatch, 15th Sept. 1775 : " As things are now circumstanced, the world may perhaps conclude that this man [Nuncomar] was too formidable a witness to be suffered to appear, and that any degree of odium or suspicion, which the violent measures taken to destroy him might throw on the Governor's character, was not to be weighed against the danger of his proving the truth of his accusations." See App. II. No. 18*h*.

[3] P. & M. II. p. 49, Francis Memo. ; B.S.C., Range A. 28, p. 2109, Majority Despatch, 11th Apr. 1775.

[4] B.S.C., Range A. 24, p. 316.

[5] Bengal Despatches, vol. 7, p. 81, 30th Mar. 1774 ; Gleig, i. 513-17. See App. II. Nos. 9 & 10.

anxious to keep the connection secret ;[1] he had projected an elaborate ' plan of government ' for Bengal and the assistance of Muhammad Riza Khan would be invaluable ; but he believed in keeping dark his sources of information. Muhammad Riza Khan, for his part, anticipated reinstatement in his former position, as a reward for his services.[2]

Already in May 1775 preliminary steps had been taken to overthrow the system of internal administration set up by Hastings. On the 9th,[3] baulked by the arrest of Nuncomar, the Majority had despatched Goring to the Nawab's palace at Murshidabad to substantiate the charges preferred against Hastings and to divest the Begum—Hastings' protégée—of all authority over the Nawab's household. Raja Gurdass, the son of Nuncomar, was to be promoted temporarily to the Begum's station. Goring executed the desired arrangement and induced the young Nawab to write formally to the Board, expressing his pleasure at being relieved of the inconsequent tyranny of the Begum.[4] This accomplished, the Nawab was declared incapable of conducting his own affairs, a responsible minister was necessary. Muhammad Riza Khan, the Majority moved, was alone competent to the task.[5]

The subject formed the particular bone of contention at the Board when, in October 1775, the Court's despatch of 3rd March arrived in Calcutta.[6] It discussed events antecedent to the arrival of the new Council, in particular the trial and acquittal of the ex-Naib-Diwan. The new Direction which had come into office in the April of 1774 was disposed to deprecate the harsh treatment meted out to him and proposed to compensate him for the degradation he had suffered. They would, if convenient, have him appointed to the office in the Nawab's household given by Hastings to Raja Gurdass, provided he was prepared to accept it " under the restrictions and regulations established by our

[1] Francis was mistaken in believing " that neither Hastings nor Nuncomar knew of the connection ". See App. II. Nos. 7*c*, 9 & 10.

[2] " Muhammad Riza Cawn's Description of the former and present State of Bengal " is entered in the Consults. 13th Mar. 1775, B.S.C., Range A. 27, pp. 1435-52.

[3] B.S.C., Range A. 28, pp. 2169-77.

[4] *Ibid.* pp. 2276-93, Consults. 25th May 1775; pp. 2276-9, Goring's letter to the Board, 17th May 1775; pp. 2279-81, Letter from the ' Nabob Mobarek ul Dowlah ' to the Board, 21st May 1775. W. B. Martin, the resident at the Nawab's Court, wrote to refute the charges advanced against the Begum affirming that the young Nawab was sincerely attached to her (*ibid.* pp. 2289-93, 25th May 1775). In consequence, he was himself charged by the Majority with embezzlement (*ibid.* p. 2301, 25th May 1775).

[5] The post was intended originally for Nuncomar at whose instigation the inquiry had been instituted.

[6] B.S.C., Range A. 31, p. 663; Bengal Despatches, vol. 7, p. 413. See App. II. No. 8.

President and Council". The Direction, however, since many of the old Directors had failed to secure re-election, was composed of men more ignorant than usual of India political affairs and they had confused in their despatch the names and functions of the various offices in Bengal.[1] This confusion gave the Majority their opportunity. Though the despatch expressly stated, "we mean not by this appointment to restore Mahomed Reza Cawn to any improper degree of power", the Majority decided that it was evidently the intention of the Court of Directors "to support an ostensible and active power in the Country Government", to return to the system in existence prior to the arrangements made by Hastings and to reinstate Muhammad Riza Khan in "his former position of consequence and trust".[2] Against the vehement protests of Hastings and Barwell, the office of Naib-Suba was revived in the person of Muhammad Riza Khan, the whole system of native justice overthrown and the criminal jurisdiction of the provinces entrusted to the care of Muhammad Riza Khan.

Hastings felt himself a powerless spectator. Again and again he appealed to the authorities at home to hasten a decision in favour of either of the contending parties. "The meanest drudge", he wrote to Lord North, "who owes his daily subsistence to daily labour, enjoys a condition of happiness compared to mine, while I am doomed to share the responsibility of measures which I disapprove and to be an idle spectator of the ruin which I cannot avert."[3]

Before long all the evils of dual control were once again rife in Bengal: the courts of justice scarcely functioned; revenue collectors racked the provinces; bandits invaded the immediate outskirts of Calcutta, while the Provincial Councils, infected with the spirit of discord that pervaded the capital, suspended business, referring the most trivial matters to the consideration of the Board.[4] And the Board was otherwise occupied—in disputes over trifles which had no relation to the business in hand, in penning minutes and despatching lengthy representations to the Court of Directors vindicating or refuting censures passed on the

[1] Raja Gurdass was designated "Roy Royan of the Province", a position held by Raja Rajbullub, whom the Majority dismissed, appointing in his stead Raja Gurdass (B.S.C., Range A. 31, pp. 663-5, Consults. 16th Oct. 1775). The arrangement was later disavowed by the Directors and Raja Rajbullub reinstated by Hastings. See Chap. IV. p. 112 and Apps. II. No. 8 & IV. No. 6.

[2] Forrest, Selections, ii. 431-6, Consults. 18th Oct. 1775. See Chap. III. § 1.

[3] Gleig, i. 517-20.

[4] *Ibid.* ii. 28; Forrest, Selections, ii. 417-20, Hastings' Despatch, 8th Sept. 1775, & pp. 460-63, Majority Despatch, 21st Nov. 1775; B.R.C., Range 49, vols. 52 & 53.

measures of the preceding administration. "I have seen", wrote Hastings to the Court, "all the labours of my former Administration rendered abortive and my measures repealed for the sake of condemning the principles on which they were formed. Letters from all quarters lie for months unanswered, because the time of the Board is occupied in collecting proofs of my demerit and of the virtue of my adversaries in detecting it. The business of every department stands still, though the Board meet four days at least in every week and I sit in them all a passive spectator without the power of giving motion to your affairs or for any other purpose that I know but to be the butt of everlasting contumely."[1]

The Majority, for their part, claimed credit for the rôle they were playing, expressing a righteous indignation with the Governor-General for refusing to assist in defaming his own character and in rooting out a corruption which lived only in their own unhealthy imaginations. "We have inquired", they boasted to the Directors in their despatch of the 21st November 1775, detailing the services they had rendered the Company, "with unwearied diligence into the frauds and corruptions almost universally practised and connived at under the late Administration. In this branch of duty the Governor-General and Mr. Barwell were able to have given us the surest lights and the most effectual assistance; in this branch of duty they have most strenuously thwarted and opposed us. We lament the success of our inquiries; they are invidious in their nature and cannot fail to load us with the enmity of individuals. If the importance of a service were to be measured by the labour and anxiety of the persons who perform it we should not scruple to say that our efforts in this line of duty particularly entitle us to the support and approbation of the Company." [2]

And while dissensions distracted the Council Chamber, the Council, in its turn, quarrelled with the Supreme Court over the limits of a jurisdiction ill-defined in the Regulating Act.[3] A clash

[1] Forrest, Selections, ii. 417.

[2] *Ibid.* ii. 460: "In the midst of these unhappy disputes I flatter myself the Court of Directors will observe that I have laboured with unwearied application to carry some of the most important articles of their Instructions into execution; as far at least as depended on the most strenuous exertion of my abilities and influence. With the chief executive Magistrate and one of the Council perpetually against me, and apparently resolved, as they are, neither to act themselves nor to suffer others to act for them, it is impossible to do more."—Francis to E. Wheler, 21st Mar. 1775. See App. II. No. 5*i*.

[3] B.S.C., Range A. 28, pp. 2113-21, Consults. 5th May 1775, Majority Despatch, 11th Apr., appealing against the jurisdiction of the Supreme Court; Forrest, Selections, ii. 365-80, 399-402. The Majority had attempted to interfere with the commitment of Nuncomar. See App. II. Nos. 7.

of jurisdictions was in any case inevitable ; but the uncompromising attitude of the Majority aggravated matters. Their hostility to the Court originated with its inception ;[1] it was founded partly in jealousy, partly in principle ; but characteristically it had degenerated into a matter of personal rancour. While Hastings blamed the Act,[2] Francis, with that perversity which characterised him, confounded the individual with the system and blamed chiefly the Judges. "I wish you would inquire and tell me", he enjoined a friend in England, "in what dirty corner of Westminster Hall these cursed Judges were picked up."[3] While with his colleagues, he never tired of assuring both the Directors and Lord North that "the Judges are not the men for their station".[4] The Chief Justice, in particular, they heartily disliked. With Hastings he was in league, they publicly asserted, "to flout our authority and degrade the Council in the eyes of the natives". So violent did the disputes become after the execution of Nuncomar that Hastings decided to attempt a solution of the differences. The spirit of faction had penetrated the very precincts of the Court House and set the Judges cavilling at one another,[5] while as things stood the Court was a terrible clog on the Government. To reconcile the clashing jurisdictions and draw clearer lines of division between the contending bodies, Hastings with the aid of Barwell and the Judges devised a new plan of judicature.[6] It was laid before the Board on 29th February 1776 and despatched to the Court of Directors in the packet of 29th May, in the form of a 'Bill', to form the basis of a new Act of Parliament.[7] It was denounced by Francis as a "corrupt job"—a bone thrown by Hastings to Impey in reward for the latter's services at a critical moment in the Governor-General's career.[8]

[1] Robinson Collection, Clavering Letters. As early as 23rd Sept. 1774 Clavering had appealed in a letter to Lord North despatched from Madras against the institution of the Supreme Court. Francis always contended that Clavering incited him to attack the Court and in particular the Judges. "I resisted Clavering's importunities to attack the Supreme Court, until I thought there was public ground for taking such a step."—Francis Memo., P. & M. II. p. 57. See also App. II. Nos. 7*d* & 20.

[2] Gleig, i. 471 ; *ibid.* ii. 14-17. See Chap. III. § 2. [3] See App. II. No. 14*c*.

[4] Forrest, Selections, ii. 460-75 ; Robinson Collection, 'Clavering-Monson Abstracts', Apr. 1775 ; P.R.O., East India Papers, T. 49, Nos. 9-11, contain copies of Clavering's letters to Lord North, denouncing the Judges and the jurisdiction of the Supreme Court.

[5] Gleig, ii. 116.

[6] Forrest, Selections, ii. 496, Consults. 29th Feb. 1776. Hastings sent a copy to Lord North, 20th Jan. 1776, Gleig, ii. 14-17 ; P.R.O., T. 49/9, No. 36, R. Chambers to J. Robinson, 31st Jan. 1776.

[7] B.M. Add. MS. 29137, p. 119, Hastings-Impey discussion of the plan, 28th Mar. 1776 ; Forrest, Selections, ii. 533.

[8] Forrest, Selections, ii. 539, Majority Despatch, 21st Mar. 1776. See App. III. No. 1.

At the Revenue Board the same spirit of contention raged. Here the main topic of dissension was the quinquennial settlement.[1] The fact that the lands had been overrated gave the Majority their cue ; while they obstinately refused to allow any remission in the rents,[2] they took care to assure the home authorities that the settlement was the outcome of Mr. Hastings' interested designs, to extract " the greatest possible revenue " from the lands in order to allure and deceive the Court of Directors, to secure a harvest for himself and his colleagues and " to drain Bengal while he had it in his power and then abandon it depopulated and distressed to his successor in office ".[3] Charge after charge to substantiate these assertions found their way to the Board.[4] Hastings would dissolve the Council meeting ; the Majority questioned his right, sat on, appealed against his action to the Court of Directors and then discovered pretext after pretext to compel his attendance.[5] Their ruse succeeding, charges were again brought forward and again the Council was dissolved.

On 22nd April 1775, when the Majority had tired somewhat of this species of guerilla warfare, Hastings submitted the new revenue plan he had devised with the aid of Barwell.[6] The Majority scorned to discuss it, seized the occasion to condemn afresh the existing system and expressed a doubt whether any new plan " could obviate the ill-effects of the last or whether any future alterations would be able to retrieve the general state of ruin and decay to which the country had been reduced ".[7] " At this moment ", they added, " we should be very much embarrassed, if we were called upon to make a new settlement of the lands and were entrusted with power to do it." Despite this, Francis had early perceived that here destructive criticism was insufficient ; that it rested with him to propose an alternative solution. He set to work, marshalled all the forces at his disposal, and by January 1776 produced his comprehensive plan of govern-

[1] B.R.C., Range 49, vols. 48-63. See for a fuller discussion Chap. III. § 3.

[2] B.S.C., Range A. 28, p. 2107 ; Gleig, ii. 28.

[3] B.S.C., Range A. pp. 1878-91, Majority Despatch, 21st Mar. 1775.

[4] B.R.C. Range 49, vol. 51, pp. 1041-55, 1085-91, 1115-19 & 1335-7, 14th Mar. to 31st Mar. 1775 ; B.S.C., Range A. 28.

[5] *Ibid.* and Forrest, Selections, ii. 337, Hastings' Minute in Consults. of 3rd Apr. 1775 with the Majority's appeal on the question of the Governor's right to dissolve the Council. The question was submitted by the Directors to counsel who decided in favour of Hastings, but he was forbidden to exercise such authority in future. Bengal Despatches, vol. 8 p. 1, Jan. 1776.

[6] B.S.C., Range A. 28, pp. 1896-1923.

[7] Forrest, Selections, ii. 363.

ment for Bengal, dealing with every aspect of internal administration, and in particular with the problems of land settlement.[1] Copies of the plan, with instructions to press it upon the notice of the Ministry, were despatched to all his friends in England.[2] He sought to secure the approval of Clavering and Monson ; their names would have weight with the Ministry. Monson was ready to append his signature, Clavering demurred.[3] Francis was furious, but he dared not show spleen ; it would not be politic ; he had to swallow his vexation and argue principles with a man whose intellect he considered incapable of grasping his demonstrations.

But he was confident fate would reward him for all the vexations he had had to suffer : that his plan would convince the world of his great abilities ; that the next advices from England would bring him the appointment to the Governor-Generalship of Bengal. " I have a hold on this country ", he assured his friend D'Oyly, " which none of them can shake. Hereafter it may possibly be a question not for what reasons I should be recalled but by what arguments or solicitations I may be prevailed on to remain." [4] This confidence made him haughty and overbearing. Francis I. and King Francis they nicknamed him in Calcutta.

And meanwhile his policy began to bear the fruits of his sowing, not only in Bengal but in Oudh and the subordinate Presidencies of Madras and Bombay. On the west coast [5] the train of a Maratha conflagration was set by his short-sighted insistence on the application of principles, worthy in themselves, but impracticable and obsolete ; while at Madras a contentious Council emulated the example of Bengal.[6] In Oudh matters had gone from bad to worse.[7] Here Bristow had constituted himself virtual dictator, tyrannising over the vicious and incompetent Wazir, who, with an exhausted treasury—he had been induced to

[1] Francis Pamphlet, pp. 23-70. This volume contains also the revenue plan submitted by Hastings and Barwell in 1775 and the minutes on the Amini office. See Chap. III. § 3.

[2] Francis MSS. Nos. 36 & 49. See App. II. Nos. 14.

[3] P.R.O., T. 49/13, No. 15, Monson to Francis, 17th Jan. 1776 ; T. 49/10, No. 15, & T. 49/13, No. 16, Clavering to Lord North, 24th Mar. & 12th Apr. 1776 ; Francis MSS. No. 49, Francis to Clavering, 14th Jan. 1776, to Lord North, Mar. 1776. See App. II. Nos. 14.

[4] See App. II. No. 16*a*.

[5] Forrest, Selections, ii. 387, Consults. 31st May 1775 ; Gleig, ii. 28-42.

[6] B.S.C., Range A. 36 & 37 ; B.M. Add. MS. 29136, J. Macpherson's letters to Hastings, 10th May 1775 & Feb. 1776 ; Add. MS. 29137, p. 66, J. Stewart to Hastings, 13th Feb. 1776.

[7] B.S.C., Range A. 36, Consults. 30th May, 3rd, 6th, 10th, 13th & 17th June 1776 ; B.M. Add. MS. 34287, pp. 136-300, Bristow-Francis Correspondence.

part with the major part of the State treasury to the Begums—found himself unable to discharge his obligations to the Company. Further, Maratha intrigues threatened his frontiers, aggravated by recalcitrant zemindars in the newly acquired provinces of the Doab and Rohilkand, while a rebellious soldiery clamoured for their arrears of pay. In despair, he had appealed to the Bengal Council for guidance in quelling his rebellious troops. In December 1775 the Majority had devised a military plan ; [1] the Nawab's officers were dismissed ; his troops placed under the command of British officers appointed from Bengal, and the Wazir ordered to assign certain territories to defray expenses. Bristow was to execute the plan and was made Paymaster of the forces. The officers appointed were the immediate choice of the Majority and selected mainly to satisfy the demands of patronage ; [2] and while Francis and the General quarrelled over the distribution of the spoils,[3] mutiny engineered by the native officers superseded in command was let loose over the length and breadth of the province.[4] Bristow was at a loss to cope with the situation : how to restrain the profligate and irresponsible Nawab, to raise the Company's subsidy and at the same time pay the arrears of the troops while providing for the large body of Company's servants imported from Bengal, were problems not easy of solution. His attachment to Francis distorted his vision and made him blind to the duties of his station ; while he engaged with him in an active correspondence, the necessity of officially informing the Board of what was happening never occurred to him until too late.[5] To secure funds he had resort to a variety of devices : these brought on him the suspicions of Clavering ; and an exchange of personalities between the latter and Francis followed.

Relations were thus strained : at the Board, Hastings, with Barwell, was considering the problem of devising " better military regulations for Oudh ";[6] the contest round the Council-table had been reduced to a mere verbal altercation ; the Majority, surveying disorders in every corner of the Company's

[1] B.S.C., Range A. 32, pp. 339-46, Consults. 14th Dec. 1775 ; *ibid.* pp. 388-99, Consults. 18th Dec. 1775.

[2] *Ibid.* pp. 420-2, 30th Dec. 1775, List of Officers ; *Bengal Past and Present*, vol. xvi. part i. p. 90, No. 524, Barwell to H. Savage, 14th Feb. 1776.

[3] Francis resented Clavering's insistence on a lucrative appointment for Capt. Webber, recommended to the General by Robinson. B.M. Add. MS. 34287, Francis to Bristow, 10th to 26th Jan. 1776.

[4] B.S.C., Range A. 36 ; Gleig, ii. 28, Hastings to L. Sulivan, 31st Mar. 1776.

[5] Bristow-Francis Correspondence, B.M. Add. MS. 34287, pp. 136-300.

[6] B.S.C., Range A. 36 ; *Bengal Past and Present*, vol. xv. part ii. p. 131, Barwell to H. Savage, 14th Feb. & 20th Sept. 1776.

possessions, were loudly disclaiming responsibility; almost every office in the Company's service had been filled with their creatures;[1] in whatever sphere Hastings proposed to carry out reforms he was confronted with a hostile service; a feeling of suspense everywhere pervaded the atmosphere, when late in June 1776 the Court's despatch of 15th December 1775 arrived in Bengal.[2] It contained the first intimation of the sentiments of the Directors on the dissensions in Bengal. It condemned the Rohilla War as "an error in judgment", applauded the zeal of the Majority in inquiring into and denouncing abuses, generally tempered condemnation of the Governor-General with a measure of praise, again exhorted the Council to unanimity and did not remove Mr Hastings. Both sides were dissatisfied.[3]

Hastings, whose first impulse on the launching of the Majority's campaign of calumny had been to throw up the service,[4] if the Directors joined with them in condemning his political measures, had retracted his resolution in May 1775.[5] Now the unjust censure of the Directors on measures they had before approved stung him to a further vindication of his policy; while the incompetence of the Majority, repeatedly demonstrated, determined him "not to give up the battle", in the critical situation of the Company's affairs. "I am", he explained to Macleane, "the link which holds them together, for I am morally certain that if I were to quit them, they would break and begin a scene of continual warfare with each other in less than a month after."

The bond between the Majority had, in fact, been strained to breaking-point; again and again Clavering had written privately to Lord North to advise the recall of Francis and to expose the fallacy of appointing "men of doubtful fortune" to posts of

[1] B.S.C., Range A. 27, pp. 1230-33, List of Appointments recorded by Hastings in Address to the Court of Directors, 23rd Feb. 1775: "Mr. Hastings has often upbraided us with our interference with his prerogative of appointing to vacancies in the Provincial Councils. We will not disavow the part we have taken in the settlement of the late appointments. Far from retracting the principles which have directed our conduct in this respect, every day's experience evinces the necessity there was of our endeavouring to break the formidable combination of reciprocal interest which the Governor had established in this settlement, by accepting unwarrantable advantages himself, and conniving at those which were received by the Company's servants."—Majority Minute, 11th Apr. 1775, B.S.C., Range A. 28, p. 2107. See App. II. Nos. 16 & 20.

[2] Bengal Despatches, vol. 7, p. 639. Recd. 27th June 1776, discussed 14th Aug. 1776, B.S.C., Range A. 37. See App. II. No. 12.

[3] Gleig, ii. 43, Hastings to Macleane, 14th July 1776; Francis MSS. No. 36. See App. II. Nos. 14.

[4] Gleig, i. 521, Hastings to Graham, 27th Mar. 1775.

[5] *Ibid.* p. 532.

consequence and emolument.[1] Francis, for his part,[2] was engaged in as active a campaign against the General, and Monson was a sick man. Only the necessity of appearing harmonious in public prevented an open rupture.

Both sides lodged a final appeal for a decision to the home authorities.

. . . . . .

News of the dissensions in Bengal first reached London late in June 1775.[3] It found the Ministry in the thick of the American business and Lord North determined to keep India affairs out of the House. Its effect was to cast consternation among the ranks of Hastings' friends. The Direction—a packed tribunal of Majority partisans, elected to office in the preceding April, by the exertion of ministerial influence—prepared to adopt the Majority's misrepresentations.[4] In this they were upheld by Lord North. Compelled to pander to Clavering's parliamentary connections—a force to be reckoned with in the crisis of the American situation—he professed to desire the recall of Hastings to make way for the General. Hitherto the conviction that the great abilities of the Governor-General made his continuance in office necessary had prevented action: the Majority's representations now exposed Hastings' rule as a curse: this altered the situation. Inclination made him partial to these biassed reports, while the American tangle, coupled with a natural indolence, led him to neglect Hastings' correspondence. Robinson, his official secretary, had particular charge of India affairs, and Robinson was the soul of intrigue. It appeared, therefore, early in December 1775 that Francis' wishes would be realised.

The hostile party in the Direction, supported by the Ministry, proposed to pass a general censure on the measures of Hastings' administration, approved by their predecessors but condemned by the Majority.[5] But Hastings' friends became active. They rallied the Proprietors and the Opposition, and in a 'General Court' secured the addition of a 'preamble' to the 'Directors'

[1] Clavering to Lord North, 28th Aug. 1775; P.R.O., T. 49/13, No. 23, Clavering to Lord North, 15th Feb. 1777. See App. II. Nos. 11 & 20.

[2] Francis MSS. No. 36. See Appendix II. Nos. 5, 15, 16 & 18. Francis and the General differed on the question of policy relative to Bombay affairs.

[3] Bengal Letters Received, vol. 13, pp. 69-251, Hastings' Despatch of 4th Dec. 1774 and Majority's Despatch of 30th Nov. 1774 endorsed, "received 24th June and 18th July 1775". See App. II. Nos. 13.

[4] See App. II. Nos. 13; Gleig, ii. 58-70, Macleane to Hastings, 25th June 1776.

[5] See App. II. Nos. 13.

Resolutions', recognising the services of the Governor-General to the Company and rejecting as without definite proof the implications of the Majority's despatches against him. The result was the Court's despatch of 15th December 1775—a curious mixture of abuse, tempered with approbation and coupled with fulsome praise of the Majority.

Here North would have been content to let matters rest. He had demonstrated his partiality for Clavering and avoided the necessity of bringing India affairs before Parliament. Through Robinson he even acknowledged Hastings' communications and expressed the desire that the unhappy differences in the Council might ccase.[1] Then early in January 1776 came the *Anson* packet with the charges advanced by Nuncomar.[2] By some mishap, Hastings' own despatches were delayed. The story created a most unfavourable impression. Even Hastings' closest friends were puzzled. The arrival of his papers, five days later, allayed the tension, but all parties agreed that one of the contending sides ought to be recalled. North, again incited to action by the Clavering party, moved the Directors in May 1776 to secure the recall of both Hastings and Barwell: the motion was put on the ground of 'expediency', Barwell's name being coupled with Hastings', to expedite matters since he had confessed to certain questionable transactions in salt when chief at Dacca. Success attended the Minister's manœuvres; but again Hastings' friends,[3] now reinforced by Macleane and a few of the old Council who had arrived in England late in December 1775, rallied the forces favourable to the Governor-General, secured a ballot on 17th May 1776 in a General Court of Proprietors and defeated the Minister's attempt.[4]

Twice repulsed, North discovered a disposition to temporise. Even the Directors, in their corporate capacity, suspecting the Clavering party of playing a game in the interests of the Crown, to the prejudice of the rights of the Company, and torn between the necessity of censuring Hastings' principles as interpreted by Francis and their confidence in his ability to manage their affairs, took refuge in vacillation.[5] But Hastings' friends feared foul

[1] B.M. Add. MS. 29136, p. 408. 15th Dec. 1775.

[2] Sulivan to Hastings, 3rd Jan. 1776. See App. II. Nos. 13*c*.

[3] Barwell's friends were also active. Circular notes were sent to several of the Directors and to Lord North by Miss M. Barwell and a "Justification of Mr. Barwell's Conduct", 7th Feb. 1775, drawn up and circulated. P.R.O., T. 49/9, Nos. 38 & 40.

[4] B.M. Add. MS. 29137, Letters of Sykes, Sulivan, Caillaud and Palk to Hastings, April and May 1776. See App. II. Nos. 13; Gleig, ii. 58-70.

[5] See App. II. Nos. 13 & 17.

play, and, compelled to action by Macleane, determined to force a decision. Secret negotiations were set on foot.[1]

Information of these proceedings at the India House culminating in the ballot of 17th May reached Calcutta late in August 1776.[2] Nothing could exceed the chagrin of Francis. "The whole transaction . . . appears to me a gross juggle, by which we are in effect abandoned," he wrote to D'Oyly. "Hastings and Barwell are safe for a twelvemonth and in my opinion for ever." Letters from his intimate friends contained expressions reflecting on the wisdom of the policy he had pursued.[3] They hinted that he would have served both his and their interests better if he had curbed his ungovernable temper, contented himself with distributing the loaves and fishes of Indian patronage and left Hastings to manage Bengal. And he had expected to be hailed as the champion of oppressed millions—the saviour of the British Dominions in the East. He was despondent beyond measure: fate had played him false: his plans had miscarried. He ought to have "confined the attack to Hastings and Barwell and held out an amnesty to everybody else".[4] This had been his first intention he confided to D'Oyly; his colleagues had committed him further. He even sought to extenuate his conduct. "It is possible", he wrote to General Fraser, "the novelty of the scene in which we found ourselves suddenly obliged to act, might have betrayed us into some inaccuracies of deportment of which more crafty men have naturally enough taken an advantage. None of us, I believe, were bred in a Court, nor, perhaps, would any English education have prepared us to meet the system we found established here, with patience, moderation or indifference." [5]

Monson, in ill-health, compelled to absent himself from Council and disappointed at the turn events had taken, penned his resignation.[6] Francis feared the game was fast drawing to a close. "I have been ridden", he wrote with temper to D'Oyly on 13th September, "long enough over hedge and ditch,

[1] See Chap. IV. p. 102.

[2] Francis MSS. Nos. 36 & 49, 21st Aug. 1776. See App. II. Nos. 18.

[3] See App. II. Nos. 17.

[4] Francis MSS. No. 36, pp. 581-3, Francis to D'Oyly, 21st Aug. 1776. In his despair of securing advancement in Bengal, Francis appears to have entertained for a time hopes of Madras. "I gave you a hint", he writes in the same letter to D'Oyly, "of the Government of Madras. You will find Mr. Wedderburn prepared on the subject, if he and you and the Clive Interest think proper to push it." See also letter to D'Oyly of 7th Aug. 1776, App. II. No. 16*b*.

[5] See App. II. No. 18*b*.

[6] P.R.O., T. 49/9, No. 11. See App. II. Nos. 18 & 20.

and can endure it no longer." "The Ballot of 17th May and Colonel Monson's resignation furnish me with very sufficient reasons for retiring." [1] Close on Monson's notice of resignation came Clavering's resolution to follow suit.[2] At first he had talked of persevering: Francis despondent had soon convinced him that he and his cause were abandoned by the Ministry, that Monson's loss of health foreshadowed the loss of the Majority, that Hastings would never give up.[3] In disgust Clavering wrote to the Directors on 22nd September tendering his resignation, "to take effect in the month of November or December 1777".[4] He said nothing to his colleagues of his action; but Francis suspected that, with Monson, he had arranged to desert him.[5] In any case he had little reason to expect the General to join with him in any future line of action: his spirit had ever recoiled at the prospect of serving under him. He would have liked to follow Monson's lead and retire; but private considerations forbade any such precipitate retreat.[6] In injured tones he was discussing the necessity of resigning himself to his fate, of abandoning the grand attack on 'systems' and 'principles', of concerning himself alone with securing his fortunes: the contest round the Council table was growing daily fainter: Hastings and Barwell, informed by correspondents in England of the state of parties at home,[7] and determined to ignore the biassed censures of the Directors and the unmerited hostility of the Ministry and to save the Company's concerns in spite of them,[8] were considering projects for reorganisation, when towards the close of September 1776 Colonel Monson died. The Majority was destroyed.

[1] See App. II. No. 18*e*.
[2] Francis MSS. No. 36, pp. 737-43 & App. II. No. 20.
[3] See App. II. Nos. 18.
[4] P.R.O., T. 49/11, No. 32, copy of Clavering's letter of resignation to the Court of Directors.
[5] See App. II. No. 20.
[6] Francis MSS. No. 36, Francis letters of Aug. and Sept. 1776. See App. II. Nos. 18.
[7] See App. II. Nos. 13.
[8] Hastings to J. Robinson, 4th Sept. 1776. See App. II. No. 19.

CHAPTER III

CONFLICT OF PRINCIPLES

THE collapse of the Majority forms a convenient point for an analysis of the differences in principle that divided the protagonists. While the contest round the Council table was, to some extent, but a war of petty personalities, it was backed by real differences of opinion on policy. Underlying the points at issue there were clear principles at stake. So much so, that if the years 1772–1774 are important in the history of British India, in that they witnessed the erection of a system on which the stability of the future Empire was to rest, the years of contest are important for the challenge they brought to that system and the resultant modifications in its character. By the time of Monson's death the principles at issue had come out clearly. The discussions in Council and the plans sent home by the contending parties—Hastings, on the one hand, and Philip Francis, on the other—expressed in full the contrasting points of view, while by the close of 1776 the issue was undecided. For these reasons, the moment is opportune for an examination of the differences. Where necessary for a clearer statement of the views under discussion, illustrations are drawn from plans submitted later.

The analysis falls naturally under the several heads of administrative activity concerned—the spheres of internal administration and justice, revenue and foreign policy.

§ 1. INTERNAL ADMINISTRATION

When the Directors appointed Hastings Governor of Bengal they gave power to an exponent of the principle of English responsibility for the provinces acquired by the Company. The decay of the native authority, the anomaly created by the presence of the English and the need of a responsible government in Bengal

had been demonstrated to the Directors again and again :[1] they were prepared to recognise the need, but who was competent to draft a system to fit a mercantile company to govern and that under such peculiar conditions as prevailed in Bengal ?[2] Clive's system had been based on the hypothesis that it was an impossibility.[3] The collapse of his system left them destitute, ready to adopt any other solution ;[4] Hastings' solution was to erect just what was deemed to be impossible. It involved in the first place the recognition of the accomplished fact, by making the Company the responsible governing body in Bengal ; in the second, the establishment of a government to reconcile native prejudice and custom with the exercise of an alien domination.

He had found a decadent native government : the spirit had gone out of the old constitution : the forms alone remained, but corrupted. Every element of strength, whether native or English, lacking a principle of action, was hastening along the road to destruction. Power rested in the hands of the irresponsible, while the masses were oppressed. Hastings busied himself with observation, research and experiment, conscious of the need of exact knowledge.[5] The only element which could supply and work any principle of regeneration was the English Company and he determined to employ it to this end. Consciously he set himself to realise certain aims.[6] These were :

1. To implant the authority of the Company and the sovereignty of Great Britain in the constitution of the country.
2. To abolish all secret influence and make the Government itself responsible for all measures, by making them all pass by its avowed authority.
3. To remove all impediments which prevented the complaints of the people from reaching the ears of the Supreme Administration or established an independent despotism in its agents.
4. To relieve the ryots from oppressive taxes.
5. To introduce a regular system of justice and protection into the country.

[1] *E.g.* The Writings of R. Becker and W. Bolts. [2] See App. I. Nos. 1-3, etc.
[3] Malcolm, *Life of Clive*, ii. chaps. xii.-xiv.
[4] Bengal Despatches, vol. 6, p. 67, 28th Aug. 1771 ; p. 525, 16th Apr. 1773. In particular the progressive party in the Direction, headed by Sulivan. See App. I. Nos. 2, 3 & 5.
[5] Gleig, i. chaps. vii. & viii. ; Jones, chap. v.
[6] Gleig, ii. 30, Hastings to L. Sulivan, 21st Mar. 1776 ; Jones, pp. 120-6.



5. Relieve distresses of Co at home
7. Extend pol influence of Co beyond
its existing territory or dividing mil. str.

Years of experience on Indian soil, coupled with a practical cast of mind, led him to distrust profoundly ' ostensible ' systems. The British sovereignty, he had early discerned, must be ' all in all ' in Bengal.[1] Hence his primary object, to implant the authority of Great Britain in the constitution, by relegating the Nawab to obscurity and making the acts of government all pass by the avowed authority of the English. This authority was exercised through the medium of a trading corporation. Government, it was a fact generally accepted, was not a function proper to a body of merchants. But he refused to be intimidated by theories : the anomaly could be overcome by drawing clearer lines of division between the functions of governor and merchant [2] and by impressing on the service, as a whole, some of the characteristics of a governing class. He regarded the Company as the ' temporary trustee ' of the rights of the British nation in Bengal.[3] The nation, as such, was not ready to shoulder the task of governing this vast foreign dominion. It would be inconsistent with his duty to the Company to urge upon them the necessity : it might be construed by his employers as a surrender of their rights and just " when their claims and pretensions were in litigation with the Crown before Parliament ".[4] The task had to be accomplished without the guidance of the British government and Bengal kept in trust until the nation was prepared to assume its obligations.[5] Meanwhile the Company was to be the medium of government. The new system of government was based upon two cardinal principles—the revival and readjustment of native institutions where possible and the

[1] This is the informing spirit of his ' Proposed Regulations ', drafted (Miss Monekton-Jones believes) in the early months of 1772. See Jones, pp. 122-5 & 152-65. Internal evidence would appear to favour an earlier date, *c.* 1765, while Baber mentions a plan of government for India drawn up by Hastings in Sept. 1766. See App. V. Nos. 3.

[2] " The commercial branch having been so materially separated from the other departments, I judge it will be proper to make this separation more complete. The details of commerce are not fit objects of attention to the supreme administration of a State : neither can the members who compose it be supposed to be equal judges of the justness or propriety of these transactions with those whose sole business it is to attend to and understand them." —Hastings to Lord North, 2nd Apr. 1775, Gleig, i. 539 ; Jones, pp. 152-65, Hastings' ' Proposed Regulations '.

[3] Gleig, ii. 50.

[4] *Ibid.* i. 509.

[5] " Whatever form it may be necessary to give to the British dominion in India, nothing can so effectually contribute to perpetuate its duration as to bind the powers and states with whom this Government may be united, in ties of direct dependence and communication with the Crown . . . but to have in any degree withdrawn from their immediate dependence [on the Company] any of the powers who formerly looked up to them alone as the representatives of the British nation, might have been construed a surrender of their rights and an injury to their cause."—Hastings to Lord North, 26th Feb. 1775, Gleig, i. 507 ; Forrest, Selections, ii. 360.

welfare of the peasantry on whose industry, in the ultimate resort, the prosperity of the provinces depended. What still remained sound in the old constitution was revived and strengthened, and what was hoped would become a vigorous machine of government set in motion, claiming for its *raison d'être* the welfare of those subjected to its authority.

When Francis arrived in Bengal the situation was therefore substantially altered. The Company had been constituted the responsible governing body for the provinces, the effete native government had been set aside to make room for a healthier system, based on and incorporating the best features of the old, while the Regulating Act brought, if not a sanction for Hastings' system, a promise that, in the near future, to govern would be the primary function of Britain in Bengal. But to Francis the situation was far from intelligible. Hastings represented the growth of Britain in India ; Francis was the external critic and such he always remained. The events which had preceded and culminated in his appointment, the environment in which he had spent the impressionable years of life, his peculiarities of temperament, all contributed to inspire him with an outlook on Indian politics the very antithesis of that of Hastings. To Hastings' twenty-five years of experience in India he opposed, with a supreme ignorance of the country, the prejudices of a whole nation against the Company's rule ; to Hastings' plans, the result of experiment, he offered a host of preconceived ideas—the fruit of his conversations with Clive and Strachey on the problems of Indian government. Again, while Hastings was disposed to reject or override theories, Francis was dominated by them. As a disciple of that band of French philosophers—the precursors of the Revolution—he subscribed to the most radical principles of his time and had adopted such enlightened conceptions of government as were then current. That Bengal should be subjected to the rule of foreigners inspired him theoretically with pity for its condition : that their rule should be exercised through the medium of a trading concern outraged every political instinct of his being. " Circumstances, inseparable perhaps ", he says in his letter to Lord North of September 1777,[1] " from the constitution of the East India Company, disqualified them in every sense from

[1] Several MS. copies of the letter are in existence, among the Robinson Collection, Francis MSS. I.O. and the Hastings MSS. B.M. Included as an appendix to the Reports of the Committees of Inquiry, 1782, it was printed and circulated in pamphlet form by Francis in 1793. It is an elaboration of the letter to Lord North of 21st Nov. 1775. See App. II. No. 7*d*.

the duty and office which the acquisition of territory in India imposed upon them. A body of merchants had interests to provide for, besides those which belonged to them in their assumed character of sovereign. Profit being the only object of a trading Company, became the sole object of Government when the two characters were united. Commercial principles of the worst as derived from the constitution of an exclusive Company were all the principles which the India Company brought with them into the government of a great kingdom and it has been governed accordingly." The acquisition of material wealth was the sole end and aim of a trading corporation; in consequence, the Company had monopolised the produce and labour of the country to support their trade. This system alone must have ruined Bengal, 'unaided by the peculation of individuals': but this latter evil had not been wanting, aggravated by the Company's short-sighted policy of paying inadequate salaries. "Their servants", he maintained, "could not rise to high station without having spent their youth in the service. Their minds, in general, unprepared by education and softened by the climate were open to the impressions of example. The extraordinary temptations to which almost every degree of power in this country is exposed has too great a tendency to corrupt the hand to which it is entrusted. But temptation is converted into necessity or may plausibly assume the same colours when high stations are not united with avowed emoluments proportioned to them." The Company had treated ministers of State and rulers of provinces as clerks and factors. The result was the growth of a corrupt and self-interested class of civil servants who, bred in a school of pernicious commercial principles, had applied these to the government of the provinces. Attempts by the Directors and Mr. Hastings to correct abuses were invalidated. These abuses belonged 'to the nature of the thing' and rose directly out of it: they were not to be corrected by regulations. The Company's government was founded on a false and clashing system and must in any case have produced the effects it had done. All Mr. Hastings' efforts were a mere pretence, "to reconcile regularity and justice in the detail of administration with injustice in its fundamental principle—that of uniting the character of sovereign and merchant and exercising the power of the first for the benefit of the second".[1]

To a mind prone to reduce everything to system, the

[1] See also App. II. Nos. 7.

situation in Bengal appeared too chaotic in theory to be sound in practice. This conception coloured Francis' whole attitude towards the English in India. "The people", he contended, "at present have either two sovereigns or none. We coin money in the name of Shah Allum. We collect and appropriate the revenues by virtue of his grant: and if there be any such thing as justice in the country, it must be administered in his name, or that of his representative, the Subah of Bengal." [1] It had been the policy of Mr. Hastings to abolish the sovereignty of the Moghul in fact and to deny it in argument; without, however, attempting to substitute any but his own. By this irregular way of acting, "he had involved himself and us in a labyrinth of contradictions and absurdities, both of fact and argument".[2] Opposed to all arguments of expediency, he refused to adopt Hastings' solution which constituted a trading Company the recognised governing force in Bengal. He questioned the practicability of such a system. He was prepared to admit that before Hastings' accession to office "the predominant power of the Council at Calcutta had reduced the Nabob of Bengal to a cypher",[3] that it had left him and his subjects a prey to individuals, but the remedy was not to confirm and extend but to limit this usurping power. Hastings had proceeded along lines diametrically opposite. "The reduction of the Country Government to its present state of insignificance and contempt was", he declared, "the deliberate act of the late Administration, without any authority from home, and indeed, contrary to express orders." [4] In its place, all Mr. Hastings had established was "an irregular, desultory exertion of power without right, opening under the form of edicts of the Council, but in effect vested in his own person". He had, in fact, weakened the authority of the Suba only to abuse his power. Not only was his solution no solution, but the sincerity of his pretensions was to be suspected.

The evils from which Bengal suffered could be traced to one root, planted and fostered by the India Company: to pluck it up was the obvious remedy. First and foremost, he held, the Company's political power must be abolished. The radical defect of the Bill of 1773 was, he maintained, "that it left the reformation of abuses to the same authority [the Company] under which

[1] App. II. No. 7*b*, Francis to Lord North, 24th Feb. 1775.

[2] "In the present state of things there is properly no sovereign, nor of course can there be any regular government in the Country."—Francis to Lord Clive, 21st May 1775. See App. II. No. 7*c*.

[3] App. II. Nos. 7.

[4] *Ibid.*

they had grown ".[1] No reform was possible " as long as the interests of the Company and those of Bengal are committed to the same hands. As the former are understood, they are in fact incompatible ". If the territorial acquisitions were to be preserved, " it must be ", he claimed, " under a system of Government, which does not refer all its measures to the supposed rights or interests of a body of merchants, under colour of which their servants in reality take little care of any interests but their own ".

The Company's political power abolished, the question of a government for Bengal could then be approached. In the first place, the sovereignty of the English king must be declared. "Nothing can extricate our Government but an immediate declaration of His Majesty's sovereignty over the kingdoms of Bengal, Behar and Orissa. This single operation will clear the way and relieve us from a multitude of difficulties." [2] This done, the plan outlined in his letters of 1775 and developed in greater detail in his revenue scheme of 1776 and in his letter to Lord North of September 1777 could then be adopted. If circumstances had not made the project impracticable, he would have advocated the restoration of the system in existence before the advent of the English, with this sole exception—that the English king be acknowledged, in place of the Moghul, the tributary-receiving power for the provinces. In all other respects, the native forms and machinery of government to be left intact. " If ", he wrote,[3] " measures already taken, and the effects they have produced, had no influence on those which must be pursued hereafter, the safest, the most simple and the least invidious principle on which this territory could be held would have been that of a fixed tribute from the native prince of the country, an armed force sufficient to ensure his dependence and one strong force for security in retreat. On this principle, an interference in the internal government would have defeated our own plan and deprived us of the benefit of it." Only measures indispensable for the preservation of the dominion would be necessary. Such measures would " not invade the laws, religion, manners and prejudices of the people. Obedience is their sole object and that Government will be best obeyed under which the people are

[1] See App. IV. No. 4*h*.

[2] App. II. Nos. 7, and Letter of Sept. 1777: " The form of the country government with some degree of authority, must be restored. This may be done consistently with His Majesty's sovereignty, if it should be thought advisable to declare it. The Nabob may then hold by grant from the King as he is now supposed to do from the Mogul."—Francis to Lord Clive, 21st May 1775.

[3] Letter of Sept. 1777.

limited the least in the enjoyment of their private rights. A wise prince ", he believed, " who had made such a conquest as Bengal would probably have endeavoured to make this use of it." The receipt of a fixed tribute from the native prince would be the only bond of union between England and Bengal. The prince alone would come into contact with the conqueror : no compensation would be made to the province for the drain of its wealth : it would be regarded as an English conquest and English concern in it would be as great as that of any other Eastern despot.

The interested policy pursued by the Company prevented the realisation of this simple system : more drastic remedies were necessary ; but the principles were sound and ought to be adopted where possible. He therefore proposed " to make the possession of Bengal beneficial and permanent by reverting to the ancient institutions of the country, as far as we are acquainted with them and present circumstances will permit. " The views of Lord Clive were the safest guide.[1] " It appears ", he wrote,[2] " to have been the Company's original policy or that of Lord Clive to govern these provinces through the medium of the Subadar and the best they could adopt, supposing them to interfere in any shape in the internal government." This system had been violated in fact and then openly renounced. The Directors' decision, " to stand forth as Diwan ", and Mr. Hastings' policy had undermined the whole structure. The assumption of the Diwani he regarded as an ill-judged, mistaken measure, " as injudicious " as the virtual assumption of the Nizamat by Hastings. It was absurd to attempt to govern the country " without the assistance and ministry of the natives ". A plan which sought " to draw every principal branch of administration immediately into the hands of Europeans was defective in its principle and contrary to the nature of things ". For want of a person of credit and abilities " to fill the station of Minister and who, supported by our influence and subject to our control, might represent and act for the Nazim during his minority, the Country Government, which it had been the constant policy of the Company to support, has been reduced to such a state of weakness and insignificance as not even to carry

[1] " Experience proves the wisdom of that system which was adopted by your Lordship in the year 1766. Every successive instance of alteration or departure from it has only contributed to throw the Country into confusion. Among these, the Company's standing forth as Diwan will, I believe, appear to have been an ill-judged measure, nor am I quite certain that the interests of the Company or the Country was the real object of it."—Francis to Lord Clive, 21st May 1775, App. II. No. 7*c*.

[2] Letter of Sept. 1777.

the appearance of a Government either to our own subjects or to foreigners. All differences and discussions with the foreign factories, in which it is not the true interest of the Company to appear as parties, and which ought properly to have been referred to the Nabob and his Ministers, have been taken up directly by the representatives of the Company as principals. The Company, of course, without necessity and contrary to their own political system are made responsible to the nation for all consequences which may attend any acts of force or hostility, exercised by their servants in checking the encroachments of the foreign factories on the rights and authority of the Country Government." This argument was not new : it had already been worn threadbare by Clive and the Directors. It formed, Francis maintained, reason sufficient " for supporting an ostensible authority in the Nabob " : at the same time, he held, " his positive rights are founded in a specific theory and cannot in our opinion be invaded by the Company's servants without violation of every principle of justice and good faith ".

In consequence, while he wielded a majority, he revived the office of Naib-Suba. Muhammad Riza Khan would combine the various functions of Minister of government and Superintendent of the Nawab's household. After his appointment, " it would be equally unnecessary and inexpedient for the Board, whether as principals or parties, to enter into any discussions with the foreign factories in questions touching the rights and authority of the Country Government, in which as representatives of the East India Company we have strictly no concern ".[1] The Company would no longer concern itself with the government of the country, but, " if ultimately it should be found necessary to maintain the authority of the Country Government . . . by force ", the Nawab could then " call upon us for that assistance which we are bound by treaty to afford him and which may be effectually employed in his name ". As of old, Muhammad Riza Khan would have charge of the criminal jurisdiction of the provinces. In this way a beginning was made towards a restoration of the Company's previous system. It rested now with the authorities at home to sanction and extend this policy. By adopting his revenue plan of 1776 and settling the lands ' in perpetuity ' with the zemindars, the mistaken policy of ' standing forth as Diwan ' would be renounced : the actual administration of the Diwani and Nizamat would be left to the natives : the English would assume the

[1] Forrest, Selections, ii. 431-5, Majority Minute of 18th Oct. 1775.

character of Moghul for the provinces of Bengal. When, finally, the Company was deprived of its political character and the sovereignty of the English king substituted, his ideal system would be realised almost intact. There would, however, remain one distinction. Perpetuated above this native ineffective structure, Francis advocated, as a temporary expedient, a strong Council with extraordinary powers and subordinate boards to watch over the detail of administration, with which the central Board was too heavily loaded.[1] In theory, the functions of these bodies would be to supervise : in practice, it was self-evident, they must be real and supreme. In the ultimate resort, the native officials would owe their appointment to them.

His solution, therefore, to the problem of British rule in Bengal involved, in effect, the restoration of the old despotic chaos : it implied the subjection of the provinces to the irresponsible rule of a dual despotism, neither in sympathy with the customs and prejudices of the natives, because conceived by foreigners and based upon an interpretation of philosophic conceptions of despotic principles rather than the needs of the situation. In actual practice, it resolved itself into an ill-concealed attempt to disguise the real authority of government. " It is of little consequence ", Hastings contended, " whether Munny Begum, Raja Gurdass or Muhammad Riza Cawn, whether with the title of Guardian, or Dewan, or of Naib-Subah, be made use of as the instruments of authenticating the acts of Government which affect the foreign European nations. All the arts of policy cannot conceal the power by which these provinces are ruled, nor can all the arts of sophistry avail to transfer the responsibility of them to the Nabob, when it is as visible as the light of the sun that they originate from our own Government, that the Nabob is a mere pageant without so much as the shadow of authority, and even his most consequential agents receive their appointment from the recommendation of the Company and the express nomination of their servants." [2]

Substantially, therefore, the differences between Hastings and Francis amounted to this. In the first place, Hastings regarded the India Company as the only force which could regenerate Bengal. None knew better than he the evils which had resulted from the exercise of autocratic power by the Company's servants ; but he had faith in human nature. The Company's servants, he

[1] App. II. Nos. 7 and Revenue Plan of 1776.
[2] Forrest, Selections, ii. 452-3.

was convinced, would respond to the trust reposed in them, and the later history of the Indian service justified this confidence. To Francis, on the other hand, the Company was the scourge of Bengal. The servants of a trading concern could never, he contended, be converted into fit instruments of government. Even were this possible, as Europeans, they could never be qualified to govern an Eastern dominion. Eastern Empires were not to be administered by intricate or refined systems of law or polity. On this point, the most enlightened authorities of his day were agreed. For Englishmen to govern Bengal in accordance with despotic principles was an impossibility: the position of the province was therefore unfortunate: the only hope was that its conquerors should conduct themselves benevolently, by claiming and exerting the minimum of interference with the regulating of its government. In consequence, while Hastings drafted plan after plan, calculated to concentrate authority in the hands of the Company's servants and increase their efficiency as a governing force, Francis agitated constantly for the limitation of their power.

In the second place, while both stressed the necessity of governing Bengal as a province of the old Moghul Empire and deprecated a policy that would anglicise Bengal, Hastings recognised that the native system inherited by the English was decadent and disorganised, that it stood in urgent need of reform. To reform, while reviving the old system, had therefore been one of his primary aims. Here again Francis differed from him. Granted that the native order required reorganisation, he could not admit that it was a task for the English. Disruption was the result of the exercise of the irregular authority of the Company's servants: once they were removed, native institutions would correct themselves. In a sense, his policy marks an attempt to establish autonomy for the natives. No native element existed, however, disinterested enough or sufficiently impregnated with a political spirit to make proper use of autonomy. A commercial body, Francis argued, could not work for the good of the governed: he would therefore have delegated the realisation of this end to the native functionaries—a body in whom no such conception had ever existed. A system of benevolent despotism was the highest to which the native mind could attain. This would have involved the rise of a vigorous native despot, and such a contingency was not possible under the circumstances in Bengal. Even were his appearance possible, the result would have been dynastic strife, such as rent the government of the Marathas.

The contrast, above all, was that between the practical statesman competent to govern, and the theorist, impelled by abstract principles to advocate a solution which in practice must have resulted in a system more mercenary and immoral than ever—the natives exploited to provide the revenue and abandoned to their own incompetence.

§ 2. Justice

The views of Francis and the institution of the Supreme Court of Judicature brought a double challenge to the system of justice established by Hastings in Bengal. Hastings had succeeded, it has been shewn, to a native system, at once unfamiliar to Western conceptions and totally disorganised. Under the old Moghul Constitution, the central authority, when it reached the provinces, divided in two—the Nawab-Nazim, as depositary of the military power, had charge of criminal jurisdiction ; the Diwan, as head of the revenue administration, of the civil. This distinction had disappeared in practice. While the courts of the Diwan overshadowed those of the Nazim, the work of both had been virtually usurped by the local officials—the zemindars and farmers of the revenue. Custom had sanctioned this irregularity ; but it was no less an evil.

It had been Hastings' policy to adapt this corrupted native system, and while concentrating the powers of Diwan and Nazim in the hands of the English, to revive the old distinction, along clearer lines, between the civil and eriminal jurisdiction. The greatest danger to be apprehended in the working of the new system arose from the need of entrusting power to the irresponsible native officials, for the most part notoriously corrupt. To minimise this, the Company's servants were associated, under the immediate direction of the Governor and Council, with the natives in the law-courts.[1] Over the local civil courts, the European collectors of each district, and, on their supersession, the Provincial Councils, were empowered to preside, in company with a provincial native diwan and officers, appointed by the President and Council. Over the criminal courts the native officers alone presided, with two maulvis or Mohammedan doctors to expound the law : the English official possessed, however, a right of general supervision.

The Central Courts of Appeal were conducted on the same principles. The Sadr Diwani Adalat, the Central Civil Court, was com-

[1] Gleig, i. 399-404 ; Jones, chap. x.

posed of the Governor and two members of the Council, assisted by a hierarchy of native officers; while the Sadr Nizamat, the Central Criminal Court, was presided over by the Nazim's deputy, a Mohammedan judge, associated with a chief officer of justice and attended by a sufficient staff of Mohammedan law officers. A general power of supervision over the latter court was reserved to the Governor-General and Council. In both the local and central courts the procedure and law administered were native, a certain discretionary power in the interpretation of native practice, where obscure or inhumane, being allowed to the Governor-General in the Sadr Nizamat.

In its essentials, therefore, Hastings claimed that his judicial system was but an adaptation of the old order, provided with such safeguards as were necessary to make it work.[1] Bengal was to be governed in accordance with native law and custom; but it was the duty of the English to see that it was so governed. The result, it was true, was something different from the old chaotic system.

Francis attacked this system on general grounds. Opposed as he was to English interference, in any shape or form, with the work of administration, he could not accept Hastings' reforms. Bengal, as a province of the old Moghul Constitution, should be administered as a despotic polity, but despotic principles of government could not be enforced by a European personnel.[2] An attempt on the part of a foreign body to revive the old order was in itself a subversion of that order. The restriction of English influence must precede any such attempt. In his view, Hastings had not revived but subverted the old institutions and established new courts of law. "A more ill-conceived, pernicious measure", he wrote to Strachey, "could not have been devised than that by which Mr. Hastings got a considerable part of the credit in England . . . the abolition of the ancient jurisdictions of the country and the establishment of his new courts of judicature."[3]

Again, in reviving the old system, Hastings had abolished the usurped powers of the zemindars. Justice was the province of the State alone; no organised system could sanction its abuse by subordinate officials. But to Francis, as will be shewn,[4] the zemindar was the mainstay of the old constitution, the backbone of the native State, a sort of magnified country squire, in whom the judicial authority was inherent immemorially. To abolish

[1] Gleig, i. 399-404.
[2] Forrest, Selections, ii. 431-4, 475-81 & 538-42.
[3] See App. II. Nos. 7.
[4] See § 3.

his powers of jurisdiction was not to eradicate a usurped authority but to violate an ancient establishment. " By the constitution of Bengal ", he maintained, " the zemindar presided in the criminal courts of his district, pronounced and executed sentence in all offences less than capital, and was answerable to the Nazim for the peace and good order of the country as far as his jurisdiction extended." [1] The institution might be liable to abuses : this he was ready to admit : but, he argued, no institution was perfect, and at least, it possessed this merit, " it was conformable to the manners and prejudices of the people who looked up to their chiefs alone for justice and protection ". By eliminating the zemindars' authority, Mr. Hastings had broken " that regular chain of subordination and dependence by which the Government and the people are united in one political body ". In short, he had abolished the motive-force of the constitution. His reforms had therefore issued in nothing but confusion. " His civil courts ", Francis asserted, " have sunk under a weight of business which they were not calculated to perform ; and his criminal courts and Foujdary officers have either done nothing, or added to the oppression of the people." [2]

It is true that the system was not working smoothly. A decayed and corrupt native judicature could not be revived and purified on an instant. Difficulties must arise in the working of any new system, while the plan had been projected by Hastings as an experiment and was, to say the least, in its initial stages when the new Council arrived. Again the active opposition of the Majority and the encroachments of the Supreme Court denied it a fair trial. There were many features which Hastings himself disliked [3] and which he longed to have authority to correct ; but all reform, he claimed, must be approached along the same lines.[4] This claim Francis resisted. Existing evils were due, he contended, not to defects in the native constitution, inherited by the English, but to the presumptuous interference of the Company's servants : they were the natural results " of reducing the just and constitutional powers of the Nizamut to their present feeble state ".[5] Mr. Hastings, he asserted in Council,[6] had " rashly forced the accumulated wisdom and experience of ages to yield to the crude ideas of a few foreigners ", the English in Bengal.

[1] Revenue Plan of 1776 ; Forrest, Selections, ii. 432. See App. II. Nos. 7 & 14.
[2] Forrest, Selections, ii. 538.
[3] In particular the judicial authority vested in the chiefs of the Provincial Councils.
[4] Forrest, Selections, ii. 452-60.
[5] *Ibid.* 431-5. See App. II. Nos. 7.
[6] Forrest. Selections, ii. 433.

To this charge Hastings replied that all his measures were "no more than the forms of government which belonged to the Ancient Constitution, revived with such modifications and such only as were absolutely necessary to accommodate it to the genius and principles of our own".[1] This proposition appeared to Francis monstrous. He was ignorant of Hindu and Mohammedan law: his estimate of the Ancient Constitution was based upon the popular European conception of despotism. Justice under a despotism was merely the arbitrary will of the despot or the tyranny of traditional custom; he heartily despised such principles of government. How then dare Mr. Hastings presume "to accommodate them to our own"? "When Mr. Hastings shall have succeeded", he wrote,[2] "in accommodating the forms of a simple despotic Government to the genius and principles of a most refined and perfect system of civil liberty, or in blending the jurisprudence of the ignorant, unimproved native of Bengal, with that of, perhaps, the most enlightened and polished nation upon earth, we shall not despair of seeing all his works, since he had a share in this Government, collected into one consistent mass, and a perfect harmony resulting from a multitude of discordant assertions and opinions which the occasional service of the moment has obliged him to deliver."

The truth was that Francis failed to grasp the true significance of Hastings' policy: he never attained to a real comprehension of his principles. This was partly the effect of prejudice — he could never credit Hastings with acting from disinterested motives; partly of an inherent defect of mind—he was too much the slave of general principles to understand that in practice they must be modified. A general assertion always tempted him to a more general discussion which carried him beyond the point in agitation. Hastings had never proposed to blend the jurisprudence of the 'ignorant native' with that of the 'enlightened English': he had never proposed to interfere with the native laws. On the contrary, he had sought to spread a knowledge of them among his countrymen, both in the settlement and at home, and had them codified to secure their enforcement in fact. He had constantly defended the native law against the prejudice of his contemporaries, had ever maintained that it was, in itself, both the best and the wisest for the provinces, and had caused its translation not only to facilitate justice but to convince the world that native principles were not the barbaric, ignorant

[1] Forrest, Selections, ii. 456. [2] *Ibid.* p. 505.

maxims popular belief represented.[1] To Francis, however, an interference with the channels of law was an interference with the law itself. Native practice and English interference were not to be reconciled : Hastings' judicial system was no real system ; the sooner it was overthrown the better for the provinces. The Sadr Diwani was formally abolished : [2] the Sadr Faujdari practically ceased to function : [3] the headquarters of justice, under the control of Muhammad Riza Khan, were to be re-established at Murshidabad : it was to be left to his discretion " to abolish or reform " the local criminal courts.[4] When the jurisdiction of the zemindar was revived, the local civil courts could be eliminated.

These changes were promoted in theory to restore the Ancient Constitution ; in practice, they meant the denial to the State of the exercise of one of its most important functions—the administration of justice—and the concentration of this power in the hands of an irresponsible native official.[5]

[1] " Among the various plans which have been lately formed for the improvement of the British interests in the Provinces of Bengal, the necessity of establishing a new form of judicature, and giving laws to a people who were supposed to be governed by no other principle of justice than the arbitrary wills, or uninstructed judgments, of their temporary rulers, has been frequently suggested ; and this opinion I fear has obtained the greater strength from such publications of considerable merit in which it is too positively asserted that written laws are totally unknown to the Hindoos or original inhabitants of Hindostan. From whatever cause this notion had proceeded, nothing can be more foreign from truth. . . . It would be a grievance to deprive the people of the protection of their own laws, but it would be a wanton tyranny to require their obedience to others of which they are wholly ignorant, and of which they have no possible means of acquiring a knowledge. . . . It was judged advisable for the sake of giving confidence to the people, and of enabling the Courts to decide with certainty and despatch, to form a compilation of the Hindoo laws with the best authority which could be obtained. . . . The two first chapters, I have now the honour to present to your Lordship with this, as a proof that the inhabitants of this land are not in the savage state in which they have been unfairly represented."—Hastings to Lord Mansfield, 21st Mar. 1774, Gleig, i. 399 ; also *ibid.* ii. 20, 20th Jan. 1776.

[2] Forrest, Selections, ii. 431-5.

[3] " The Dewanny Courts of Justice faintly exist, but without any control ; the Sudder Dewanny . . . which served as a check and a guard on the rest, having been long since formally abolished. The Foujdarry or Criminal Courts, which formerly depended on myself, have scarce dared to act since the arrival of the new members of the Council." —Hastings to L. Sulivan, 21st Mar. 1776, Gleig, ii. 28. On 14th Apr. 1775, Hastings proposed at the Revenue Board to relinquish the control of the 'Nizamut Adawlut' on the ground that " the responsibility attached to it is too dangerous for me to have any further concern in it ".—B.R.C., Range 49, vol. 52, p. 270.

[4] Forrest, Selections, ii. 434.

[5] " With his [Muhammad Riza Khan's] appointment, the Nabob was declared Sovereign of the Provinces and possessed of all the rights of the Nizamut . . . the exclusive power of administering justice in criminal cases, of appointing guards for the protection of the country, and of punishing all violaters of the peace . . . in other words, he is the present instrument of the Majority, in the hands of Mahomed Reza Cawn, to execute any violence which they may dictate unseen ; and armed by their public and repeated declarations with rights that will enable him to assume an uncontrolled rule for his own behalf, as soon as he shall have spirit to assert them."—Hastings to L. Sulivan, 21st Mar. 1776, Gleig, ii. 28.

The challenge from Francis, however, was perhaps the less serious of the two : the Supreme Court presented a more dangerous alternative. Francis would have consigned the provinces to the chaos of an ideal despotism : the Supreme Court embodied an attempt to force on Bengal English practice and institutions. The Court came to dispense English law to British subjects. In theory it superseded only the Mayor's Court and Quarter Sessions at Calcutta, in which Englishmen had been liable to actions and to which they could apply for redress : it was not proposed as a system of justice for the natives of Bengal.[1] Such a proposition would have involved a direct declaration of the king's sovereignty over the provinces, and this declaration the Legislature was not then prepared to make. In any case it would have been presumptuous at this stage to draft a system of judicature for the natives of Bengal. This the home authorities had recognised. The danger, therefore, did not arise from mistaken philanthropy—the desire to shower upon Bengal the blessings of English law and practice ; but from the fact that both the Act and the Charter were vaguely phrased—the natural consequence of the refusal of the authorities to face the question boldly—resulting in problems that had to be met by both the Bench and the Council.

In the first place, the Act did not and perhaps could not define the exact relationship between the Council and the Court. Section 7 gave to the Governor-General and Council " the whole civil and military government . . . and also the government of all the territorial acquisitions and revenues ". Section 14 provided that the jurisdiction of the Court " shall extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Behar and Orissa ", and empowered the Court " also to entertain . . . any suit, action, or complaint against any person employed by, or directly or indirectly, in the service of the Company, or any of His Majesty's subjects ". Immediately there arose the questions, who were covered by the terms " British subjects " and " directly or indirectly in the service of the Company " ? In a sense all inhabitants of Bengal were British subjects : on a narrower construction, only those British born, or again, only the inhabitants of Calcutta.

In the second place, to what extent were the civil service and the native revenue officials, in particular the zemindars, liable

[1] For an examination of the problems raised by the institution of the Supreme Court in Calcutta, see Stephen, *Nuncomar and Impey*, ii.

to the Court's jurisdiction? It was this question which precipitated the quarrel between the Court and the Council. The Council claimed that, in accordance with section 7, all its officials engaged in judicial and revenue administration were exempt in respect of these duties from the jurisdiction of the Court; the Court claimed that while it was the province of the Council to administer and collect the revenues, the Court could entertain any action brought against individuals in the service for irregular or oppressive acts committed in the execution of their duties. It was the express object of the Act, it was contended, that such actions should be freely brought.

It was hard to decide on the legal merits of the case: both bodies, in fact, made claims within their rights. One of the objects of the Act was to protect the natives; but the framers of the Act had feared to alarm the Company by abrogating from the powers of the Council: they had, therefore, proposed to prevent oppression by making the Company's servants liable individually for any oppressive acts. In accordance with this intention the Court's claims were justified. The Council resisted the Court's interference as the guardian of Indian as opposed to English practice. It argued that the Court was not qualified to pronounce judgment in cases involving a certain knowledge of native law and procedure: that practices sanctioned by native law, in particular in the collection of the revenues, were illegal in English law. Consequently, a revenue official might be charged with oppression in the Supreme Court, for pursuing the methods of his office. The same arguments applied to the Company's servants associated in the administration of justice in the native courts. If, for instance, the chiefs of the 'diwani adalats' were to be answerable in the Supreme Court for decisions given in accordance with native practice, but repugnant to English law, the jurisdiction of the Supreme Court dispensing English law would override completely the native law. This danger, in fact, became imminent. While the Council and the Court quarrelled the native local courts practically ceased to function.[1]

The root of the trouble was that neither the native courts nor the Provincial Councils, nor, in fact, any part of the system established by Hastings, had any definite character known to English law. The Regulating Act had neither sanctioned nor drawn any dividing line between Hastings' courts of law and the

[1] Gleig, ii. 28. See App. II. Nos. 7.

Supreme Court. The latter, were it so disposed, could claim that no other court of law existed in Bengal and that its jurisdiction and the laws of England superseded all native institutions. On a technical reading the Act could be so interpreted.

It was these several problems Hastings' judicial plan of January 1776 [1] sought to solve. It proposed :

" 1. To extend the jurisdiction of the Supreme Court to all parts of the provinces without any limitation.

" 2. To confirm the Courts which had been established on the principles of the Ancient Constitution of the country by the names of Nizamat and Diwani.

" 3. To unite the Judges of the Supreme Court with the members of the Council in the control of the Diwani Courts.

" 4. To give the Provincial Councils a legal authority in the internal government of the country and in the collection of the public revenue."

It was out of the question that the Court should be allowed to override the native law : it was equally out of the question that the Court should be made to dissolve itself. The only solution lay in a reconciliation of the conflicting jurisdictions. This was the essence of the plan. Either the Court must be supported and armed with full authority, qualified in its exercise by Indian institutions, or it must be restricted to the town of Calcutta, the commercial factories, and to British subjects only, beyond these. In practice, the second alternative was incapable of definition.[2] Again, the union of the Court and the Council in the control of the 'diwani adalats' would strengthen the Council, not merely by allaying the friction between the two bodies, but by bringing to it a fund of legal knowledge. The second and fourth propositions would give Hastings' system the necessary legal standing.

Principle impelled Francis to denounce this plan. His attitude to the Supreme Court was more hostile than that of Hastings; it was altogether uncompromising.[3] Hastings believed in English interference ; but along the lines of native practice : Francis denied completely the necessity. The very presence of the Supreme Court in Bengal appeared to him an outrage against native prejudices, a menace to native institutions. He resisted the Court's pretensions for the same reason that he opposed Hastings' judicial system. The fact that the plan proposed to

[1] Forrest, Selections, ii. 496-501 ; Gleig, ii. 14. See Chap. II. p. 40.
[2] Gleig, ii. 14.
[3] See Apps. II. Nos. 7 & 14, & III. No. 1.

extend the jurisdiction of the Court to all parts of the provinces vitiated it completely. This principle was faulty: the details of the scheme could be of no consequence. In a letter [1] of protest to Lord North, penned on 16th May 1776, and signed jointly with his colleagues in hostility, he says, " a plan, which proposes to subject the natives of Bengal indiscriminatcly to the jurisdiction of a British Court of Judicature and to give that Court a compleat and effective control over the country, appeared to us to carry its own condemnation on the face of it. . . . We have repeatedly declared our most deliberate opinion that Bengal is not tenable by Great Britain under any form of government which subjects the natives generally to the British laws or to the jurisdiction of a British Court of Justice. . . . Institutions drawn from the maxims of European policy or jurisprudence . . . are not only unnecessary, but destructive. We do not deny the expediency of uniting every branch of the sovereign power of the State in one hand, nor do we conceive how such sovereignty can exist but in His Majesty's person. . . . But it does not appcar to us that the introduction of the British laws or the administration of any laws in this country by British Judges is a necessary consequence of a declaration of His Majesty's sovereignty."

Again his arguments disclose a limitation in outlook before remarked : again he failed to penetrate to a real understanding of the principle—that of reconciliation—which animated Hastings' plan ; and again his passion for general principles distorted his sense of proportion and led him to take but a superficial view of the measure, to the exclusion of the real points of significance.

§ 3. Revenue Collection and Land Settlement

Of all branches of administration in the Bengal of the eighteenth century, that of revenue collection presented the most baffling problems. That it should have started a controversy between Hastings and Francis, on the merits of which opinion is still divided, is therefore not surprising.

The assumption of the Diwani in 1765 first brought the Company face to face with the business on a large scale.[2] It was

[1] App. III. No. 1.

[2] For the early history of the Company's administration of the revenues in Bengal, see : (*a*) Kaye, *Administration of the East India Company*, pp. 162-201 ; (*b*) Baden-Powell, *Land Systems of India*, i. 389-98 ; (*c*) Ascoli, *Early Revenue History of Bengal*, chap. iii. ; (*d*) Ramsbotham, *Studies in the Land Revenue History of Bengal* ; and (*e*) Monckton-Jones, *Warren Hastings in Bengal*.

not entirely new to them. As zemindar of the twenty-four parganas or districts round Calcutta granted in 1757, and again in the ceded lands of Burdwan, Midnapore and Chittagong since 1760, their servants had acquired some knowledge of the intricacies of the question: enough to realise its complexity. Their experiments had met with little success, and in 1765 their method of dealing with the Diwani was not to deal with it at all. The native system and agency were continued, the Company's junior servants being associated with the latter in the control of the collections. This policy was perhaps the only practicable one at the moment. If the Diwani was to be effective, the business of collection must be entrusted to a skilled agency acquainted with the details of the science; to this knowledge the Company's servants could not pretend. The whole system presented to them a complete confusion. Not only was it strange in that its institutions differed completely from anything obtaining in the West: it was also, as Ascoli points out, corrupt, effete and time-worn.

The main source of wealth was the land, and under Moghul administration the demand was based on periodical assessments. For the purposes of collection the provinces were divided into districts, and the collections entrusted either to a capitalist sent from headquarters or to a local landholder of sufficient wealth and standing. In some cases he was the local raja or native prince whom Moghul authority found it prudent to conciliate: he became a revenue farmer under Imperial warrant. This 'sanad' or warrant detailed his duties and indicated the districts for the collections for which he was responsible. Certain discretionary powers, both of police and petty justice, involved in revenue administration, were vested in him. He was entitled to retain a tenth of the whole collections and, to cover the costs of collection and police, enjoyed a grant of land free from revenue. He was known generally as the zemindar—manager of the State right in the land; there were, however, lands held on different tenures. Distinct from the collectors was a class of recorders or kanungos who checked the accounts on behalf of government and kept the records of the department.

As the central government declined in vigour the land assessment ceased to be revised; the old rates grew obsolete, the government demanded arbitrary taxes and additions, until the limit of demand came in practice to represent the greatest sum which could be extracted from the cultivator without endangering

the collections, by reducing him to flight. Moghul authority decayed ; local governors grew careless of details ; the treasuries became empty ; the zemindars, in full control of the only source of wealth, set up greater and greater claims ; the functions of kanungo and zemindar were confused ;[1] records were destroyed ; the zemindars extorted what they could from the wretched ryot or peasant cultivator, while the sums paid into the treasury became increasingly a matter of bargain. Causes both physical and political, culminating in the terrible famine of 1770, depopulated and impoverished the country ; everywhere relations and values had become confused. What was the basis of the revenue yield ? Who were the collectors and who the revenue payers ? In what relation did the zemindar stand to the governing power and to the tillers of the soil ? Who owned the land—the State, the zemindar, the ryot, in whose family the holding had descended through generations ? All these questions had to be faced in connection with revenue administration, and to none could any English official return more than a speculative reply.

Under the circumstances all that could be done was to adopt the system as it stood and seek to procure information. This the Directors attempted by instituting supervisors in 1769 : the plan had met with a measure of success in the province of Burdwan. But the supervisors were burdened with an impossible task. Records were concealed or destroyed, the value of the lands was known only to the zemindar, and it was against his interest to disclose it. The introduction of a foreign element only increased the confusion, resulting in a corresponding decrease in returns.

The decision of the Directors in 1772 to administer the Diwani through their own servants meant that not only the problem of collection but of land tenures and settlement would have to be faced. This Hastings had recognised at the outset ; but the peremptory demands of the Directors for more substantial remittances, the necessity of giving immediate relief to the ' ryots ', the lack of adequate means in men and machinery, compelled him to form an experimental settlement and to forgo an undertaking which alone must precede an equitable settlement—an actual land survey.[2] The failure of his settlement was due in large measure to the impossibility of reconciling conflicting interests. By centralising the collecting agency at Calcutta, he had hoped to eliminate corruption. Centralisation of the administration was

[1] Jones, pp. 297-300.

[2] Gleig, i. 382-9, Hastings to L. Sulivan, 10th Mar. 1774.

the only way to make the Company the responsible governing power in Bengal. Experience was to prove it defective in the administration of the revenues, but it was a political necessity at the time.[1] The quinquennial settlement was not regarded as final: one of its express objects was to enable government to secure information for future use.[2] This information, it has been shewn, was in the possession of the zemindar; in his original capacity the zemindar was the collector of the State revenues. Circumstances, however, had made his position almost indistinguishable from that of an hereditary landlord. By virtue of the petty judicial and police powers he enjoyed, and which as the Empire declined he wielded at his discretion, he had come to be regarded as the central figure in his locality. His standing and influence with the ryots weighed with the Council in making the settlement with him where possible: where not, he was dispossessed.[3] In many cases a long career dedicated to self-interest—since no organised government claimed his loyalty—had made of the zemindar a subtle and faithless character. He must be the foe of every effort of government to unravel the intricacies of revenue collection. When, therefore, many of the zemindars offered low terms, the Council rejected them and put the lands up to public auction.

It has been shewn that this system broke down almost immediately; that at first the collecting agency was blamed; that further reforms were instituted, the collectors being superseded by Provincial Councils, and that this resulted in no improvement.[4] Inquiries were instituted and the chiefs of the Provincial Councils invited to express opinions.[5] These elicited the information that the assessment and not the collecting agency was primarily at fault; that the lands had been overrated, and that the new farmers, having engaged beyond their means, had no interest in the land but to rack it without mercy and then abandon it.[6] Acting on this information, Hastings decided that in the first place the collections must be lowered; in the second, some sort of permanent settlement made with men of substantial means and known integrity.[7]

[1] This aspect of the problem is not sufficiently regarded by Ascoli and Ramsbotham who condemn in very severe terms the policy of revenue centralisation and the distrust of the collectors.

[2] Gleig, i. 249, Hastings to the Court of Directors, 1st Sept. 1772; Jones, p. 256.

[3] Jones, p. 260.

[4] See p. 7; Gleig, i. 382-9; Jones, p. 291; Ascoli, p. 33; Ramsbotham, pp. 33-47.

[5] Ramsbotham, p. 51. [6] *Ibid.* pp. 59-75; B.R.C., Range 49, vol. 52, pp. 31-65.

[7] Revenue Plan of Apr. 1775.

This was how matters stood on Francis' arrival. Hastings, Barwell and George Vansittart were projecting a new revenue plan to benefit by the mistakes of the last and the new information revealed.[1] In April 1775 it was submitted to the Board.[2]

It proposed, in the first place, a settlement with the zemindars, "on leases for life or for two joint lives", if their offers "are equal or nearly equal to those of others, or if equal to what the Council shall judge to be the real value of the lands". In the second place, as the object of the plan was to settle with men of substantial means and the zemindar was often corrupt and unreliable, if the settlement was not made with him, he was to be granted an allowance of 10 per cent from the farmer who accepted the lease. This claim of the zemindar to a maintenance allowance was based on the recognition of his right to hold his estate in perpetuity, subject to his agreement to pay the revenue fixed by the government. This right rested on one of two assumptions. Either the zemindar was a permanent official with an hereditary right to colleet the revenues of his district, or he possessed a right of property in the soil. The view adopted by Hastings and his assistants was that the parties—the State, the zemindar and the ryot—all possessed certain proprietary rights and that none were exclusive. That while the zemindar was entitled to a maintenance allowance, if he refused the terms of government, it was not an illegal invasion of his rights to farm out the revenues. Thirdly, were the zemindar to fail in his engagements to government, it was proposed to sell publicly "his zemindari or such part of it as may be necessary to pay the deficiency". The fear of the sale of his zemindari rights was the only way to keep the zemindar to his engagements, while the actual sale was the only way of reimbursing government. Fourthly, every zemindar or farmer was to be entrusted with a 'faujdari' jurisdiction, *i.e.* powers of police and maintenance of the peace. Fifthly, all new taxes imposed on the ryots since the Company obtained the Diwani were to be abolished and subsidiary regulations drafted to secure to them the enjoyment of the relief proposed. Sixthly, the assessment was to be based "on the medium of what was actually collected in the preceding three years". It was to remain fixed during the lifetime of the purchaser and no proposals for an annual increase were to be entertained. Seventhly, on the death of the present purchaser the zemindari was to devolve to his heirs,

[1] G. Vansittart to Graham, 25th Mar. 1775. See App. II. No. 9*b*.
[2] B.S.C., Range A. 28, pp. 1828-78. Printed in Jones, pp. 280-6.

with an option reserved to government to continue or alter the assessment. Eighthly, the system of Provincial Councils, as the mode of managing the collections, was to be continued.

The plan, while retaining many of the features of the preceding settlement, in particular the sale at auction of the lands of defaulting zemindars, was marked out by the great extension of the principle of long leases to encourage cultivation by giving security of tenure to the zemindars or farmers. It was animated by the desire to reconcile the interests of all parties, to safeguard the welfare of the ryot, and to remedy the defects of the existing settlement, according to the recommendation of the Company's servants skilled in revenue administration.[1]

It was not until the January of the following year that Francis was ready with his objections to the plan, and with an alternative scheme.[2] His opposition was based on general grounds, coloured by his general principles on the subject of British rule in India. In the first place, he refused to recognise as honest any attempt made by the existing government to introduce a healthier revenue system. Mr. Hastings, as the representative of a trading corporation, must be animated solely by the desire "to raise the greatest possible revenue from the country", to satisfy the demands of his employers. In this branch of administration the Company's commercial principles of government were prominent. "The professed object of every settlement here since our acquisition of the Diwani has been", he declared, "to raise the greatest possible revenue from the country. . . . The leading members of each different Administration in conformity to the views and expectations of their superiors seem to have rested their chief merit with the Company in their success in the pursuit of this object."[3] The settlement of 1772 was "the most unjustifiable of the lot. It proposed a plan to increase the revenue when the country was perishing: and had only issued in draining the territory to the dregs of its resources." Hastings' "fatal regulations" and the false doctrines asserted and maintained by the Company's servants, and not the famine of 1770 nor the decay of the native order, were responsible for the decline of Bengal. "We have reason to believe", he assured the Directors, "that the great want of inhabitants in Bengal, and more particularly in the province of Behar, is more owing to the

[1] Ramsbotham, pp. 59-75; B.R.C., Range 49, vol. 52, pp. 31-65.

[2] Francis Revenue Pamphlet, 1782, pp. 23-70. See App. II. Nos. 14.

[3] Revenue Plan of Jan. 1776; Letter of Sept. 1777; Forrest, Selections, ii. 538. See App. II. Nos. 7 & 14.

exercise of the powers which these opinions establish . . . than to the famine so frequently alleged or appealed to by Mr. Hastings in accounting for the failure of the revenues. . . . Under any tolerable form of government, the effects of the famine must long since have ceased to be felt in a country where nature asks nothing of the governing powers but not to study to resist and defeat her operations. The world will soon see that it is oppression of the most violent and pernicious nature which has reduced this fertile country to a state of depopulation." [1]

In the second place, it was absurd, he held, to propose any plan before it was decided "whether the natives of Bengal were to acknowledge one sovereign and to be subject to one Government or whether they were to be left in their present state, divided between conflicting native and foreign interests". As things stood, there was, properly speaking, no government in the country. How then was it possible to regulate a branch of it ?

In the third place, he differed profoundly from Mr. Hastings in his interpretation of Indian institutions. These differences are expressed in his revenue plan of January 1776. This he was induced to devise from a conviction that the home authorities looked to him for some permanent system of government for Bengal.[2] This implied that they were prepared to decide on the question of sovereignty. On the nature of their decision depended everything. He quoted Montesquieu to expose the fallacy of the existing system.[3] Not unless Britain openly acknowledged that government and not dividend was her object in Bengal, would he propose any plan of revenue administration. Then, and not till then, would it be possible to reconcile the interests of the governing power with those of the natives. The reconciliation, however, could never be complete; "under a European government Bengal *cannot flourish*", he maintained.[4] But if his system of internal government were adopted, English influence limited, and native institutions allowed to revive of

[1] Forrest, Selections, i. 197.

[2] "I cannot content myself with proposing a temporary plan for the service of a year or two, or barely accommodated to the duration of the present Administration. It is *our* duty, perhaps more than that of any of our predecessors, to look forward to a remoter period: to establish some general and permanent system of policy for the internal government of the country; and not to aim at purchasing immediate advantages, inconsistent with the permanency of our dominion."—Plan of Jan. 1776, p. 26. See App. II. Nos. 7 & 14.

[3] "Of all despotic governments, there is none which oppresses itself more than where the Prince declares himself proprietor of the soil and heir of all his subjects. It always follows that the cultivation of the earth is abandoned: but if, besides this, the Prince is a merchant, every species of industry is ruined."—Letter of Sept. 1777.

[4] Revenue Pamphlet, p. vi.

themselves, a more satisfactory solution would result.[1] In accordance with these principles, he based his revenue plan on what he believed was " the ancient policy of the Mogul Government ".[2] To discover this, he had rummaged among the records of the Khalsa, consulted with experienced revenue officials, in particular Muhammad Riza Khan, Messrs. Shore, Rous and Ducarel, sifted the masses of material supplied by the Provincial Councils, and related his researches with the views of eminent philosophers and economists.[3]

Certain " fundamental principles ", both wise in themselves and expedient in practice, appeared to stand out from this survey. Whenever these had been followed, Bengal had prospered: whenever they had been disregarded—as under the Company's rule—it had declined. In the first place, it appeared that " the Mahommedan Conqueror was wise and equitable enough to limit his own power over the people whom he had conquered: that he demanded from them a fixed tribute: that it was moderate in the first instance and never varied: that he thereby gave them a security in their property against the rapacity of his ministers and representatives and that this was a real security as long as the Mahommedan Government subsisted at Delhi ". In the second place, it appeared, Moghul authority was content " to leave the lands to their proprietors and to establish a moderate, permanent 'jumma', or quit-rent, to be paid by each of them to Government ". It was not the policy of the Moghul government " to engross the produce of the land as proprietors, but they left a sufficient proportion to the zemindars to render their estates valuable to them after paying the fixed land-tax to the sovereign ".

[1] See Apps. II. Nos. 7 & 14, & III. Nos. 2 & 3.

[2] " Conforming to the simplicity of Eastern manners and to the summary and simple principles of Asiatic policy, I should not hesitate to affirm that the internal administration should be committed to one or more considerable Moormen: that Moormen chiefly should be employed in the offices of government: that the cultivation of the soil should be left with the Gentoos whose property it is and the revenue fixed forever: that the Zemindars or principal land-holders should be answerable for the internal peace and good order of their respective districts: . . . that the East India Company, in their mercantile capacity, should go to market for their investment, with no other influence or advantage than that which the superior weight of their purse would naturally give them: that the governing power should stand paramount and hold the sword over the rest, watching the administration of every subordinate department and contented with a gross but moderate tribute proportioned to their necessary expense."—Revenue Plan, p. 29, and see App. II. Nos. 7.

[3] That Shore wrote Francis' revenue minutes—a statement adopted by Kaye, Baden-Powell and Monckton-Jones—is an allegation made by Joseph Price in his letters to Ed. Burke of 1782. Shore never claimed to have done more than supplied Francis with some revenue accounts, a service he often performed for Hastings, and he denounced Price's performances.

The Company in their anxiety to extract the highest possible revenue from the land had subscribed to principles the very reverse. To enforce their demands, they had been obliged " to avow and countenance a principle, subversive of all natural prosperity and not less false in fact than absurd in theory and dangerous in practice—*that the ruling power was proprietor of the soil*: on this principle, they had dispossessed the hereditary zemindars, sported with the rights, the laws and prejudices of millions and increased the 'jumma' beyond all reasonable bounds ".

No analogy was to be drawn, he held, between the land tenures of England and Bengal.[1] The Moghul Conqueror had never, like the feudal lord, sought by a definite deed to assume ownership. The governing power could not therefore be regarded as proprietor of the soil. On the other hand, the position of the zemindar, his local standing and the discretionary powers of police which he exercised, made him appear to Francis peculiarly like an English country squire, though the former's rights were even more absolute than the fee simple of the latter. " The inheritable quality of the lands is alone sufficient ", he maintained, " to prove that they are the property of the zemindars." [2]

The settlement made in 1772 was upon principle directly " the reverse of what it ought to be ". Instead of leaving the management to the *natural proprietors of the lands* and demanding from them a fixed portion of the produce, we take the management upon ourselves and pay *them* a tribute : Government stands in the place of the *zemindar* and allows him a pension. His plan proposed to reintroduce what he believed to be the principles of Moghul practice. Bengal had changed masters, but " did this single change," he asked, " or any consequences attending it, imply a necessity of altering the whole political and economical system under which it had formerly prospered " ?

The first essential was to decide on some " simple principle of taxation ". This was to be laid down as 'fundamental' and 'inviolable', sanctioned by the authority of the Legislature. Such a principle would prove equally a security to the governing power against fraud and to the people against oppression—" they should know what they had to pay and we what we had to receive ". Secondly, the demand must be 'moderate' and 'unalterable'. Schemes that " profess to aim at increase of revenue in a Government, where the people have no voice, are

[1] See App. III. No. 2.

[2] Revenue Pamphlet, p. 71.

almost always unwise and unjust ". Thirdly, the ' jumma ', once fixed, must be a matter of public record: it must be permanent, and the people must, if possible, be convinced that it is so. This condition must be fixed to the lands themselves, independently of any consideration of "who may be the immediate or future proprietor". Any hidden wealth still existing will then, he held, be brought forth and employed in improving the land, because the proprietor will be satisfied "he is labouring for himself".

The demand was to be based "on an estimate of the permanent services, which Government must indispensably provide for under the great heads of civil and military establishments, with a reasonable reserve for contingencies". To this he would proportion "the whole demand upon the provinces and fix it forever".

The revenues were to be settled with the zemindars and the assessment based upon "the actual receipts of the last three years". There would be irregularities in such a system, but this, he maintained, "was an inconvenience not to be regarded". "It is not regarded in England: neither is it to be remedied but by the strict execution of a measure, which", he declared, "I would never recommend. I mean a hustabood[1] which can only serve to alarm the zemindars and ryots."

The assessment settled with the zemindars on this medium was to be declared "the quit rent of his particular lands in perpetuity". No necessity or emergency ought to induce government to increase it. The zemindar was to be informed that "the due discharge of his rent" was the tenure by which he holds his lands. If he incurred a balance, "a part of his zemindari should be invariably sold to make it good". As most of the zemindars had been reduced to beggary and ruin, time must be allowed them to re-establish their influence and acquire a sufficient accumulation of property.[2] The plan would, therefore, require indulgent nursing. Gradually the zemindars should be replaced in all their ancient duties, both of police and justice. "One essential reason", he contended, "why Government should endeavour to restore the zemindars to a state of competence at least, if not of affluence, is that they are not merely the Stewards or Collectors of the public revenue, but are or ought to be the instruments of Government in almost every branch of the civil administration. If this medium

[1] "Actual measurement and a valuation of the whole produce."—Plan, p. 55.

[2] "I know not in whose hands the lands can be safely trusted. My principles and inclinations lead me to revert to the zemindars: but by this time the greater part of them are beggars and in debt."—Francis to H. Strachey, 23rd Nov. 1775. See App. II. No. 7*e*.

be removed, Government then acts directly upon its subjects by its own officers, without the assistance of those intermediate gradations of rank, authority and responsibility by which all great civil societies are held together. A system which proposes to destroy that medium, might as well profess at once the dissolution of the State."

It was to be made an "indispensable condition" with the zemindar to grant new 'pottas' to his tenants, either on the same footing with his quit-rent or for a term of years. This was to be "as sacred as the zemindar's quit rent", but arranged "without the interference of Government". Government could never "descend to the ryots, so as to fix any general assessment upon them". The zemindar, on condition that he paid a certain contribution to government, was "master of the land to re-let it to whom he thinks proper". When once, however, he has given a lease of any part of it to a ryot, the conditions of such lease should be invariably adhered to. He did not know whether in ancient times the ryots took out pottas: he believed they derived a better security against ill-treatment, "from the natural interest and relation, by which they and the zemindars were mutually bound to each other". This security—"so much superior to any formal engagement"—the adoption of his plan was calculated to restore. For by establishing a quit-rent for each zemindari, "we make it the interest of the zemindar to extend his cultivation to the utmost, which can only be done by encouraging the resort of ryots and by letting the lands on such favourable terms as may excite their industry".

The collecting agency was to be overhauled by the abolition of the Provincial Councils and the reappointment of supervisors "from the most discreet and able servants", acquainted with the language, and if possible with the district and people, where they were to be employed. The object of their appointment was to see the plan "executed and adhered to in all its parts". They were to be placed above temptation by the receipt of liberal emoluments. The provinces were to be divided into districts, "nearly the same as in the former collectorships". This system did not imply decentralisation: the supervisor was to be merely a temporary institution; he was not to be entrusted with independent power. When once the zemindars were thoroughly established and pottas granted to the ryots he could be dispensed with. "The zemindars will gladly pay their rents to the 'Khalsa',[1] and some gentlemen,

[1] This proposal was adopted in the reforms of 1781.

on the plan of the old 'faujdars', may be fixed at convenient stations, merely to preserve the peace and subjection of the country." Meanwhile, the supervisor would replace the chiefs of the Provincial Councils in superintending the 'diwani adalats'.

The plan, moreover, he claimed would reduce the great number of civil servants employed under the existing system. All the accounts necessary would be a statement of each zemindar's payments, the arrears due from him, and a 'jumma khurch' —account of receipts and disbursements — to be sent to the treasury. These would not require the hierarchy of revenue officials stationed in each district.

Before the execution of the plan, the Provincial Councils were to procure the necessary materials: firstly, an exact register of all the landed property in the country, arranged under the general heads of zemindaries and talukdaries, with the 'parganas' contained in each; secondly, a table of the last three years' receipts; and thirdly, reports on the character of the zemindar, the state of his family, with any other particulars to assist government in the formation of the new settlement. Copies of these accounts were to be deposited with the respective supervisors. All balances which could not be collected by a certain period were to be remitted.

In their main features, both the above plans would appear to advocate the same system. Both proposed a permanent settlement, both leaned towards a settlement with the zemindars, both urged that the 'jumma' be fixed, that the rate of assessment be the medium of the past three years' collections, and both advised the sale of part of the zemindari of defaulting zemindars. The points of resemblance were, however, apparent rather than real. The permanency in the one case had relation to a limited number of years: in the other it was in perpetuity. Settlement with the zemindar was advocated in the one, only where expedient; in the other, as of right and universally. The 'jumma' in the one was to be fixed, but with an option reserved to government: in the other, 'forever' and never to be altered. The "medium of the past three years' collections", as the rate of assessment, was recommended in the former primarily as an experiment: in the latter as a permanent basis.

Both plans were, in fact, advanced from different premises and proceeded from opposite principles: they embodied the main points of difference between Hastings and Francis. The significance of Francis' plan lies in its points of departure from

Hastings' plan. The root principle of Francis' plan was the conception of Britain in India as a tributary-receiving power. To make that tributary character real, it was necessary to settle the internal government of the provinces on a permanent basis. This entailed the assumption that there existed some class, possessed of a proprietary interest in the soil, on whom the tribute could be fixed. The zemindar satisfied the need. Contemporary opinion, alike native and English, agreed in regarding him as possessed of certain rights of property, whether acquired or inherent. Francis proposed to make him 'legally', what he was, with certain reservations, 'de facto', proprietor of the soil. For this he claimed the practice of the Moghul government. He was prepared to admit that under the Moghul Constitution the zemindar was a State official; but it was, he contended, "the possession of landed property which naturally imposed those duties on the zemindars and 'ipso facto' made them the magnates of the country".

To make the restriction of English influence a reality, this proprietary right of the zemindar must be pronounced exclusive. No arguments drawn from the need of safeguarding the ryots' interest must be allowed as a pretext for the interference of the Company's servants. "This language, I know, is popular," he wrote, "and has been often used without any apparent benefit to the ryot, to countenance and give a colour to acts of violence and injustice against the zemindars and other superior ranks of the natives." The zemindar was the ryot's natural protector, for without the ryot's labour the land was useless to him: if both parties were left to themselves they would come to an agreement in which each would secure his best advantage. The 'potta' ought to be the evidence and security of this voluntary agreement. For government to dictate the specific terms of every lease was, in the first place, an invasion of the rights of property, in the second, a business of detail which in no way belonged to it, and in the third, involved a vexatious scrutiny and arbitrary exercise of power. The zemindar, in short, was to be entrusted with authority and provided with the occasion to exercise an unlimited jurisdiction—absolutely irresponsible—over the mass of the peasantry.

To fix the demand '*in perpetuity*' was the *sine qua non* of the whole plan.[1] The demand need never vary, because the tribute need never be increased. In consequence no 'hastobud'

[1] See Apps. II. Nos. 14, & III. Nos. 2 & 3.

or land valuation was required—projectors of such schemes could have no other object in view but to exact from the natives "the utmost revenue they could pay". "Let us begin", he urged, "with setting an example of justice and moderation to our subjects. Let us proportion *our* demand to *our* necessities, not to *their* utmost abilities. A mild and equitable Government will gradually extend and communicate the principles on which itself acts, to the ranks and powers subordinate to it."[1]

Under Hastings' plan, on the other hand, protracted settlements were advocated not with a view to limiting the interference of government but to give security to the farmer, by assuring to him more than a temporary interest in the land. Such settlements would not involve the renunciation of the rights of government. On the contrary, Hastings' contention was that the rights of all parties—government, the zemindars and farmers and the ryots—were complementary. The zemindar was not exclusive owner of the soil and the welfare of the peasant cultivator was the primary care of the State. This, experience taught, was not to be realised by edicts or proclamations, or by indulgences to the zemindar: it was futile to commission him to grant 'pottas' to the ryot: it was hardly to be expected that he should willingly fix bounds to his own authority.[2] Again, the majority of the zemindars were either "minors or idiots", and their agents generally rapacious and corrupt. It was in consequence the duty of government to interfere directly. He refused to follow Francis through a maze of abstractions. What does it matter, he asked, on whom we decide to bestow the honour of having ultimate claims of property in land? Contests in the arena of political principles will not retrieve the condition of Bengal. Our task is not to found a new State, but to repair an old one, fallen into disorder. Why waste time in arguing who has the better right to oppress the ryots—government or the zemindars? Our ultimate object is the same—to relieve the natives and restore Bengal to prosperity. We are decided as to means: we both agree on some sort of permanent settlement; we both lean towards the zemindars, but, like every grade of society in Bengal, they believe in thriving on oppression. This characteristic cannot be eradicated from their composition all at once. Hence, the only way to safeguard the interests of all parties is to establish a vigorous,

[1] B.R.C., Range 49, vol. 65, p. 391, Francis' Minute of 5th Nov. 1776; Revenue Pamphlet, part ii. p. 131.

[2] B.R.C., Range 49, vol. 65, pp. 473-90, Hastings' Minute, 12th Nov. 1776; Revenue Pamphlet, part ii. p. 142.

healthy central government making itself felt in every corner and in every grade of society. Let us, therefore, act. No, replied Francis, we must first decide on what principles we are going to hold Bengal. I maintain that the lands of the provinces are not the property of the East India Company, but of the zemindars : they owe nothing to government but a fixed portion of the net produce, and government has no right "to enter into the management of their patrimony". In consequence, I cannot act in harmony with the Governor-General.

His two primary aims—the restriction of English influence and the re-establishment of the Moghul Constitution—thus led Francis to the one solution—the restoration of the zemindars. At the same time, his eighteenth-century appreciation of what was due to the proprietary interest caused him to invest the zemindar with characteristics he had never possessed and to advocate the introduction of novel conceptions into the land tenure system of Bengal. Even if the zemindar had not in fact enjoyed those attributes credited to him under the Moghuls, Francis believed with his age "that the scheme of every regular Government requires that the mass of the people should labour and that the few should be supported by the labours of the many, who receive their retribution, in the peace, protection and security which accompanies just authority and regular subordination".[1] In England it was recognised as a law of nature that the magnates—the landowning interest—should direct the destinies of their country ; that it was only in upholding their interests that the masses could ever hope to secure peace and just government. Thus, while Francis, with most English reformers of his day, aimed merely to restore an ancient constitution, to remedy abuses, not to bring about a revolutionary change, he constituted himself—as is often the case with avowed reactionaries—one of the greatest innovators in India. He sought to restore a system on the basis of principles, consciously adopted : but he could not recognise that these in reality had their origin in those far deeper beliefs of his age, which he had unconsciously absorbed and which impelled him to advocate the introduction of elements wholly foreign to Bengal.

In England the great mass of the population was ignorant and poor and had no political opinions : it was, therefore, necessary that the government of the country should be in the hands of the landowning classes. In India the masses were equally

[1] Revenue Pamphlet, p. 130, Francis' Minute, 5th Nov. 1776.

ignorant and poor: but there existed no class disciplined for centuries in the practice of self-government, as was the English landowning class. The zemindar was only the old State collector of the revenues who, as the central power decayed, had assumed a position very similar to that of the English landlord, but who had not, in consequence, acquired a political conscience; in most cases he had proved his interest opposed to those of the masses. Francis, however, saw in him—if the limitation of English power was to be real—the mainstay of the new constitution and forthwith proposed to entrust him with authority, for the exercise of which he was wholly unfitted. For, if it was ultimately in accordance with modern conceptions of government that a self-governing class should be developed in India, that result could only be produced by an enlightened government educating such a class and teaching it the necessity of political responsibility; it could not be achieved by crippling the force from which alone political principles could emanate, while denying to the ryot the direct protection of the State.

§ 4. Foreign Policy

The Company's relations with the neighbouring States was the first and remained the most acrimonious subject of dispute in the Council: more than any was it calculated to afford matter for contention.

On his accession to office, Hastings had deliberately broken with Clive's restrictive policy—the doctrine of non-intervention was inadequate for the security of Bengal: policy demanded for the Company's government a position of prominence among the surrounding States. This would require an active foreign policy. A system of alliances, based on a reconciliation of mutual interests, was projected by Hastings. The States [1] whose interests were identical with those of Bengal were to be bound in alliance with the British power: on this alliance the political influence of the British in India was to be built. Such a policy involved the strengthening of those States on whose security the safety of Bengal depended. It had resulted, firstly, in an alliance with Oudh against the danger of Maratha encroachment, secondly, in the Rohilla War, and thirdly, in the refusal to recognise and pay tribute to the effete Moghul. By 1774, as a result of these

[1] Gleig, i. 508-10; *ibid.* ii. 198, Hastings' review of relations with Berar in letter to Sulivan of 18th Aug. 1778; *ibid.* 136 & 143, Hastings' Foreign Policy Design, Feb. 1777.

measures, the Company's position in northern India had increased in prestige.

This Francis denied: he deprecated an active foreign policy. If the restriction of English influence was necessary in Bengal, all the more was this the case beyond the limits of the province. He could discover, he maintained, no luminous principle guiding the growth of Britain in India. Self-interest and rapacity were the twin pillars upon which the Company's power had been erected.[1] The Company's servants having exploited Bengal had turned to plunder the helpless peoples on its borders. "The general principle which seems to have animated this Government, as well with respect to the natives of the provinces, as to the neighbouring States," he asserted, "has had too near a relation to the expressive words so often made use of, *extirpate, exterminate, root out and annihilate.*"[2] The Company's power in India was an unholy power, founded on the violation of treaties and the breach of faith. The Treaty of Benares and the Rohilla War had consummated this iniquitous policy: of all exploiters, Hastings was the most unscrupulous. "In his system of foreign policy", wrote Francis, "he has professed an utter disregard of the faith of treaties, the principles of public justice and the fundamental orders of the Company for the defence and security of Bengal."[3] The Company were more sinned against than sinning: it was their misfortune to be ill-served by their governors. "Look to facts, gentlemen," he exhorted the Directors, "and we are convinced you will find it is your civil servants who have involved the Company in offensive wars, and in schemes of conquest by which no public interest could be promoted."[4]

Hastings had violated the Company's engagements with the Nawab of Bengal: in like manner he had violated the nation's

[1] Among the Francis MSS. (No. 49) is a projected "Review of the History of Bengal from the Death of Aliverdi Cawn". It stops short at Clive's succession to the Governorship in 1765, and was probably written by Francis soon after his return to England but not proceeded with. It states succinctly Francis' attitude to the growth of Britain in India and to the Company's rule. "The series of facts", he writes, "which I propose to draw together into as narrow a compass as possible will show by what steps the English East India Company have been raised from a precarious state of dependence upon the caprices of a giddy tyrant, to the plenitude of wealth and power, which they have for some years enjoyed in Bengal. It will also show by what particular persons and for what purposes the Company's authority in that country has been so grossly abused as to call for and justify an exertion of the supreme power of the Legislature to protect a great Empire from the tyranny of a society of merchants and their servants. . . ." The Review proceeds to expose the rule of the Directors, the corruption of the Company's Governors, and in general the pernicious character of British rule in the East.

[2] Forrest, Selections, i. 202.

[3] *Ibid.* ii. 538.

[4] *Ibid.* i. 186.

pledge to the Moghul.[1] "The Company hold the Diwani by his grant," he maintained. "The treaty concluded by Lord Clive in August 1765 not only acknowledges him as King of Bengal, but secures to him the full possession of Kora and Allahabad, as a royal demesne for the support of his dignity and expenses, and by particular agreement between him and the Company of the same date, they engaged themselves to be security for the payment of 26 lacs a year out of the territorial revenue in consideration of His Majesty's having been graciously pleased to grant them the Diwani of Bengal."[2] He appealed to Lord North to say how little these treaties had been regarded. "His tribute was stopped and his country (though avowedly entrusted to our good faith and accepted as a deposit) sold to Sujah Dowlah." This wrong was an insult offered by the usurpers of the West to the most sacred traditions of the East: it would recoil upon their heads: the Company's dominion would not prosper.

In the medley of disruptive forces that was India, the only intelligible political factor to Francis was the Moghul. To plead that he was a prisoner with the Marathas, that to pay him a tribute was to finance the hostile schemes of Britain's most dangerous rival, was not to argue against the Moghul; it was to demonstrate the illegality of the powers that had weakened him. He had a vision of restoring the Old Moghul Empire to its former omnipotence, with the Moghul at Delhi again, as the force to keep the peace of India. Bengal was to be excluded from his dominion and given to the King of England: in return, English influence and power were to be exerted to guarantee the Moghul's position. "After the internal settlement of our territories", he wrote in his letter of September 1777,[3] "the next object should be to lay the foundation of a general peace through Indostan: and, if possible, to give and restore an active constitution to the Empire. . . . As the first step to peace, the authority of the Emperor should be in a considerable degree restored and means given him to support it. In return for an aquittance of his claims upon the Company, a respectable demesne might be found for him out of the countries lying North West

[1] Forrest, Selections, ii. 538: "In spite of all the nice distinctions adopted in defence of Mr. Hastings' treaties with Sujah Dowlah, it appears to me that they were a manifest violation of the public faith pledged to the King and that they are a dishonour to the British name."—Francis to Lord North, 21st Nov. 1775. See App. II. Nos. 7.

[2] Letter of Sept. 1777. See App. II. Nos. 7.

[3] And see App. II. No. 7*d*.

of Oude, of which Delhi might be the centre. This step might lead to and facilitate a general pacification in which the rights of every subordinate power might be determined and to which they should all be invited to accede." Britain must pursue a disinterested policy: only if she consented to remain content with the dominions already acquired, instructed her representatives to adhere strictly to the professed "pacific principles" of the Directors, refrained from interfering with the concerns of neighbouring States and acknowledged "the constitutional authority of the Emperor in faith as well as in profession", was it possible to secure peace in India. On the basis of this acknowledgment, he would "unite and settle the various views and interests of the several contending powers in this country, upon a solid and permanent establishment". Native powers, he argued, were amenable to a symbol: they could be held in check by reverence for an authority effete in reality but pregnant symbolically. Prestige was the arch of power in India; the Moghul was the key to it. That forces were at work which had made of him a form without significance was to Francis no argument why these forces should triumph. Posterity arguing backwards designates a force as inevitable: to those exposed to its action it does not seem so insuperable. Francis was not blind to the fact that the Moghul's position was weak in reality, that the English in India were aspiring to paramountcy: but that such paramountcy was inevitable, he failed to discern; that it was in any way desirable, he always and emphatically denied. He would rather that the "predominant power of the highest", *i.e.* of the King of England, were employed to cut through difficulties and guarantee to the Moghul a constitutional authority, under which native powers could be united, than that the States of India should be subjected directly to a foreign dominion. His solution, he recognised, was an ideal: but it was not the less valid because unattainable at the moment. For all practical purposes, however, it was useless—a mere figment of the imagination, a retrogression which possessed no principle of vitality. Not all the goodwill in the world could restore to the Moghul his former omnipotence. The exertion of English influence in his behalf must have resulted in the recognition not of Moghul but of English supremacy. Again, were the English and every other European element to disappear from India, his position would not have been remedied.

The forces which had made for the decay of the old Empire

were inherent in its constitution : they had fulfilled their purpose before the English armies appeared in India. Such native powers as had sheltered beneath the shadow of the Moghul's authority had in practice become independent : all were alike arbitrary in character, disruptive and dynamic. Nowhere, but with the English in Bengal, could any cohesive force be said to exist, and this force had to be employed constantly on the defensive. In the west, French intrigue was seeking to regain for France a foothold to dominion : in every corner of the Empire powers were preparing to test their skill in a contest for supremacy. The problem of peace in India was not so easy of solution as it appeared to Francis.

Hastings, on the other hand, was perhaps the first to discern the real nature of the issues involved, to recognise the forces which were about to be joined in the coming contest for Empire. To him the problem was no visionary one, calling for an ideal solution : it was real and imminent. The difference in outlook is strikingly brought out on a comparison of Francis' scheme with that propounded by Hastings in his letters to Alexander Elliot [1] of 12th January and 10th February 1777. Unlike Francis, Hastings had faith in the purpose of Britain in India and went forward boldly to secure that purpose. When early in 1777 [2] a combination of hostile forces threatened the safety of the dominion, the situation called forth Hastings' fullest expression of the system, already initiated in Oudh and out of which the subsequent greatness of Britain in India grew—the system of subsidiary alliances. With Francis, his aim was peace, but he argued, " if peace is to be our object, I cannot devise a more likely way to ensure it than to command all the means of war. . . . The superiority which the English possess over the other powers of India is derived from two causes, the authority of their Government and their military discipline. It is by these advantages only that they can improve or maintain it." He was opposed to a policy of aggression, to extension of dominion beyond certain bounds, and to remote military expeditions. Bengal itself, he maintained, could be defended if " supplied with recruits sufficient to preserve the superiority of its European soldiery to the number of native troops ". The unmilitary character of the people and natural barriers secured the province against invasion, but a mere provision made for the common vicissitudes of political affairs was not in itself adequate " to ensure permanency to the British dominion",

[1] Gleig, ii. 131-50.

[2] See Chap. IV. pp. 100-2, 114-19.

threatened as it was on all sides by the jealousies of native and European combinations. To combat these, he proposed to contract close and intimate alliances with most of the minor States bordering on the Company's possessions, and to maintain at their expense and within their territories such forces as should at once protect them from both foreign and domestic violence and place the Company in a position to cope with any or all of the greater powers, in the event of war. " You are already well acquainted", he writes to Elliot in his letter of 12th January, " with the general system which I wish to be empowered to establish in India, namely to extend the influence of the British nation to every part of India, not too remote from their possessions, without enlarging the circle of their defence or involving them in hazardous or indefinite engagements and to accept of the allegiance of such of our neighbours as shall sue to be enlisted among the friends and allies of the King of Great Britain." On this footing, his plan of 10th February 1777 proposed alliances with Oudh, the minor States on the Wazir's frontiers, Berar and the Nawab of Arcot.

" Let a treaty of defensive alliance", it was proposed, " be formed with [the Raja of Berar]. Let such a number of our battalions of sepoys as shall be necessary for his protection, be stationed with him and annually relieved. Let him pay a fixed monthly subsidy for these of —— rupees for each battalion. Let every treaty be executed in the name of the King of Great Britain, expressing the reciprocal conditions of protection and fidelity, and with his express sanction." The Governor-General and Council were to be empowered to extend the system.

The plan, Hastings claimed, would be attended with the following advantages :

1. It will provide an increase of our military and political strength without an addition of expense which may be employed to co-operate for the defence of our possessions.

2. It will prove an immediate security to our borders.

3. It will be the means of securing the friendship and support of powers who might otherwise be won to the French interest.

4. It will afford the controlling Government of Bengal a complete knowledge of the strength, connections and designs of all the powers of Hindostan, and may enable it to prevent connections against any of the British possessions, or those of its allies.

5. It may eventually draw a portion of the wealth of India into Bengal by (i.) subsidies paid ; (ii.) opening new channels of commerce.

6. It will afford employment and support to the middle class of the subjects of Great Britain.

7. To these may be added—as negative advantages—that it will require no addition of recruits from England and that the external influence of the British power in India will be extended without any diminution of its internal strength, or the dangers usually attendant on distant military operations.

Both Hastings and Francis agreed that the political policy of Britain in India would be vitiated if left to be directed by the fluctuating counells of Bengal, that policy demanded the King's direct sanction : both recognised that public opinion at home would have to travel far, if the suggestion were to be adopted ; [1] but here agreement ended. Hastings claimed the authority of the King to guarantee directly every treaty with the native powers : Francis indirectly and through the Moghul. Hastings advocated alliances : Francis denounced them. Hastings was, in fact, the precursor of Wellesley, and Francis always maintained that his was " a dishonest policy ".[2] It must issue in one of two alternatives, the total annihilation of British power in India, or the complete subjugation of the native States—alternatives equally repugnant to him.

The restrictive policy, recommended by the great founder of the British dominion in India, Lord Clive, was, he contended, the wisest for preserving it.[3] To concentrate our resources within Bengal, not to dissipate them in every corner of India and to limit the expansion of dominion, was the only way to protract the existence of an Empire which must in any case be only temporary.

In practice, non-intervention resolved itself into a policy of ' grab ' more flagrant than any. This was inevitable. In this view, every native State was a hostile State, every native potentate a rival power. To provide for the safety of Bengal was to strengthen the province not in conjunction with, as was Hastings' policy, but at the expense of the neighbouring States. " Mr. Hastings ", complained Francis, " neglected the defence of Bengal—while he was providing for that of Rohilcund and other distant countries, in which the Company had no concern." [4] Oudh was

[1] " I am aware that I tread on dangerous ground exposed to the ill-will of the Company, if they look to the renewal of their Charter. . . . I foresee many objections which may be urged against this system but none which may not be obviated by the establishment of an active and permanent form of government here and a fixed channel of correspondence at home."—Hastings to A. Elliot, 12th Jan. & 10th Feb. 1777, Gleig, ii. 138 & 147.

[2] Francis' Speeches in the Commons, *e.g.* in 1793, 1806. See Chap. VII.

[3] *Ibid.* ; Francis Pamphlet, p. ii ; Letter of Sept. 1777, etc.

[4] Letter of Sept. 1777.

not a buffer State, but a dangerous rival power, to cripple whose resources was to render it innocuous to ourselves. The Treaty of Benares was "defective on the score of justice and expediency": it had tended to aggrandise the Wazir at the expense of the Moghul and the Rohillas, and had constituted him a real danger to Bengal: the Treaty of Fyzabad was designed to correct the balance. "In return for the cession of Ghazipore", wrote Francis, "we granted him [the Wazir] nothing but a guarantee of the dominions originally possessed by his father, with an express exclusion of his late conquests. For the defence of these dominions, we agreed to continue a brigade in his service, but obliged him to make a considerable addition to the former subsidy." [1] Benares had brought the Wazir a dangerous accession of territory and the Company dishonourable financial gain: Fyzabad despoiled the despoiler and was "in the highest degree advantageous and honourable to the Company". "I was the only member", boasted Francis to Lord North, "who insisted on the acquisition of Ghazipore and thought it obtainable." [2]

Ironically enough, the only stretches of territory added to the British dominions at this period—Benares and Salsette—were acquired as a result of his restrictive policy. "It is highly for his own advantage", Francis asserted with regard to the Raja of Benares, "that he should be considered as a vassal of the Sovereign [the King of England] of these Kingdoms, holding a great hereditary fief by a fixed tenure and acknowledging the Sovereign of Bengal and Behar to be his Lord Paramount." [3] He did not regard the arrangement as a direct acquisition of territory, but rather of "revenue without territory". He disclaimed all interference with the internal government of the zemindari: but as he advocated the limitation of interference with the internal government of Bengal, he must have regarded the former as much a conquest as the latter. "The permanent advantages, which this acquisition secures to the Company," he wrote,[4] "require no illustration. Conforming to the policy we profess, the spirit of the treaty is to acquire revenue without territory, that is, without any direct interference of the Company or influence of their servants in the internal government of the tributary dominion. If the same policy had been pursued in former times, I have no doubt that a considerable portion of the

[1] Letter of Sept. 1777.
[2] Letter of 3rd Aug. 1775, Francis MSS. No. 36, p. 249.
[3] Forrest, Selections, ii. 266.
[4] See App. III. No. 2; Forrest, Selections, ii. 462.

revenue of Bengal, on the footing of a fixed tribute, might have been enjoyed by the Company for a longer period, without distress to the country and without embarrassment to themselves either here or at home."

Based on ideas of mistaken philanthropy, his policy was once more the outcome of the prejudices of his century. In his day possessions were valued in terms of material returns. Francis pitied the subjection of the East to a foreign dominion : but that his country should be enriched by its acquisitions he was sufficiently child of his age to desire. The evil must exist at all events : but he would palliate it by demanding the minimum of interference with the prejudices and government of those who supplied the revenue. This was the guiding principle of his political policy. Translated into practice, it became a ' chout '—like that levied by the Maratha hordes—paid to stave off the inroads of the conqueror. At the same time it defeated its own ends : it left the powers in question at the mercy of the uncontrolled agents of the Bengal government—Bristow at Lucknow and Fowke at Benares—resulting in a glaring discrepancy between pretension and fact.

Convinced that English power in India was an evil, self-interested growth, Francis was the precursor of the modern cynic, who derides the theory that would attribute the growth of British power in India to accident rather than design. At the same time, in his agitation against extension of dominion and in his advocacy of non-intervention, he illustrates the inevitable character of that growth. Hastings had no greater faith than Francis in the permanency of British power in India. " The dominion exercised by the British Empire in India ", he wrote in 1777,[1] " is fraught with many radical and incurable defects, besides those to which all human institutions are liable, arising from the distance of its scene of operations, the impossibility of furnishing it at all times, with those aids which it requires from home, and the difficulty of reconciling its primary exigencies with those which in all States ought to take place of every other concern, the interests of the people who are subjected to its authority. All that the wisest institutions can effect in such a system can only be to improve the advantages of a temporary possession, and to protract that decay, which sooner or later must end it." Unlike Francis, he did not hesitate to act ; but laboured to improve English rule even if this was to be brief.

[1] Letter to Elliot, 10th Feb. 1777, Gleig, ii. 149.

CHAPTER IV

FRANCIS IN A MINORITY (1776–1780)

MONSON'S death was the most important event in his Indian career. It broke the bonds of a coalition which no future combination of hostile parties, never so vigorously reinforced, quite succeeded in reproducing. When the curtain rises on the next act of the drama, the positions of the chief 'dramatis personæ' are reversed. Hastings has assumed the leading rôle, and, though about to enter upon a career of vicissitudes, now holding the reins of authority, now almost forced to yield to opposition, a trial for the system for which he stood was assured. Francis, the theorist, has yet to see his plans tested on Indian soil:[1] Francis, the administrator, has run the short cycle of his career. Small wonder that to him the event, though long expected, came as a stunning blow. "It leaves Clavering and me, and all our friends at the mercy of H. and B. Judge what quarter", he exclaimed, "we are to expect from them!"[2] He had given the enemy no quarter, confident of his removal: reason bade him expect none in return, and he was prepared to cry out all the more vigorously at the slightest hint of the fulfilment of his fears. A successor to Monson must shortly be appointed: he dared not conjecture upon whom the choice would fall. The Ministry "might take the fatal step of filling up the post with an Indian":[3] and the civil service, for the most part, was devoted to Hastings. Even were Monson's successor friendly and it were possible to form anew a hostile Majority, he was growing tired of this ineffective hostility. "A Majority against a Governor may prevent his acting, but they cannot act for themselves," he complained to D'Oyly, and meanwhile, he assured him, "Hastings is actually in possession of full power and drives furiously."

[1] See Chap. VII.

[2] See App. IV. No. 1.

[3] Francis to D'Oyly, 26th Nov. 1776. See App. IV. No. 4c.

He had possessed power and he had used it to abuse men and deride measures : he had lost power, but his pen remained. But while, from the force of habit, he continued to pen philippics, the spirit of Francis flagged. He cursed his ill-luck, steeped himself in self-pity, brooded on his misfortunes, wearied his friends with importunities. He came to the meetings of Council with indifference, regarding the question under discussion as of import only in so far as it yielded him materials to paint afresh and more grimly, with a luridness surpassing even his earlier efforts, the dismal situation of Bengal and the imminent ruin which must overtake the British Empire in the East.[1] Outside the Council, he let his passions run riot. All that was bad in the vices of a vicious Calcutta held him enthralled. The period from the death of Monson to the passing away of General Clavering was one of transition for him. When it closes with Clavering's death, there emerges a Francis, stained with the marks of contest, but subdued, with a purpose calm, deep, indomitable ; a purpose which could bide its time, to which all thought of private advancement was now secondary—the avenging of himself upon Hastings, avowedly to revenge his colleagues who had fallen in the fray, but in reality to pay for the stinging disappointment and singular thwarting by fate of all his most cherished hopes.[2]

And to Hastings the collapse of the Majority brought a revulsion of feeling which left him for the moment irresolute rather than exultant.[3] His casting-vote would enable him to carry through the many reforms he had at heart, but this new-found power might be only temporary. Advices from the Court of Directors were expected daily ; twice their manœuvres to remove him had been defeated, but nothing had occurred to predispose them in his favour and there was every possibility that the expected despatches would bring the notification of his recall. To undertake extensive reforms, in the circumstances, would be rash : at the same time, reorganisation was necessary. The opportune arrival of private advices with the news that the Court's despatches were likely to be delayed[4] decided him to take

[1] See App. IV. Nos. 4.

[2] See p. 107 & App. IV. Nos. 8.

[3] "This event has thrown me into a situation which, while our disputes in England remain undecided, I could have wished to avoid. It has restored to me the constitutional authority of my station ; but without absolute necessity I shall not think it proper to use it with that effect which I should give it were I sure of support from home."—Hastings to Lord North, 26th Sept. 1776, Gleig, ii. 108-11.

[4] Sept. 1776. Referred to by Hastings in Consults. of 2nd Dec. 1776, Forrest, Selections, ii. 559.

action at least in one field of administrative activity—the collection of materials for the ensuing revenue settlement.[1] The importance of the undertaking called for a harmonious Council; but of this there appeared no immediate prospect. With Francis no compromise was possible, while Monson's successor would probably come out to reinforce Clavering's party. On one point, however, he was determined. Nothing but the "King's express act" or death itself would remove him. Barwell was prepared to support him.[2] Of a naturally indolent and pleasure-loving nature, enervated by a protracted sojourn in India, he was too indifferent to take the lead himself, while the years of contest had riveted his attachment to the Governor-General. He had acquired, in the early years of service, a considerable fortune in the lucrative field of India trade, and like Francis, if with greater abandon, was content to stake his fortune at the gaming-table. But whatever his weaknesses, he subscribed, for that little morality he avowed, to the ethical code of the English sportsman: ill-health had decided him before the death of Monson to resign his post, but he would not desert Hastings now that the fortunes of the game had turned to his advantage.

The atmosphere of the Council Chamber now presents an altered aspect. Measures are energetically proposed by Hastings, seconded by Barwell, and carried by Hastings' casting-vote, in the teeth of Francis' impotent, if calm, almost dignified protests and Clavering's virulent abuse. The aloof, overbearing General, covered with boils, almost always 'indisposed', retaining with a bad grace his rejected seat, penned minutes[3] of a length and acrimonious violence, if childish in their outspoken insolence and insulting in tone, almost worthy of the palmy days of Francis. Thus with Francis inactive, pursuing plans of conquest upon fields other than political, and Clavering working himself into a fever over trifles, the year 1777 is an important one for the launching of Hastings' schemes of reorganisation—the working out of the plans conceived and partially realised before the arrival of the new Council, but overridden by the Majority.

[1] Gleig, ii. 108-11, Hastings to Lord North, 26th Sept. 1776; *ibid.* 111-14, to J. Graham, 26th Sept. 1776; and *ibid.* 114-17, to A. Elliot, 23rd Nov. 1776.

[2] See App. IV. No. 2.

[3] B.S.C., Range A. 40-4, 1777; B.R.C., Range 49, vol. 65, pp. 463-90, Minute of 12th Nov. 1776; *ibid.* vol. 66, pp. 76-80, Minute of 29th Nov. 1776; *ibid.* pp. 253-7, Minute of 10th Dec. 1776, and pp. 511-16, Minute of 20th Dec. 1776: "The General has not been able to attend Council since Aug. but he writes minutes with a vehemence more from spite and disappointment I am firmly convinced than any other motive."—Francis to C. D'Oyly, 26th Nov. 1776. See App. IV. No. 4*c*.

First among these was the Amini scheme.[1] The revenue settlement of 1772 was due to expire in 1777. No decision on the plans submitted to supersede it had been received from home. Francis, confident that his plan must be adopted, was anxious to delay action until advices arrived. Hastings, convinced by the continued decrease in the revenue returns that the Board's revenue knowledge was inadequate for the definitive settlement, proposed in 1775, had already mooted at the Revenue Board the question of " collecting materials " for the new settlement. He now proposed on 1st November 1776 the institution of a temporary office, " to compile, collect and digest materials, as well as institute investigations with a view to forming a new plan of revenue settlement ". Whatever plan were adopted by the authorities it would, he contended, be " equally necessary to be previously furnished with accurate states of the real value of the lands as the grounds on which it is to be constructed ". The new office, since neither the Board nor the Provincial Councils had leisure to undertake the work, was to be " under the control of one or of two covenanted servants of the Company, assisted by a diwan and other officers, either selected from the offices of the Khalsa or occasionally chosen for special commissions ", and to be termed the Amini office. The right of control was reserved to the Governor-General.

The Provincial Councils would be called upon to assist the amins. Many of them were packed with the Majority's creatures, and these, Hastings feared, " would render the design abortive ".[2] He therefore proposed to overhaul the collecting agency. This threat, with the reservation of the right of control to the Governor, roused the General.[3] Every provincial councillor who submitted to the new office would, he declared upon record, " be called to account and prosecuted ". Hastings had now no alternative but to remove his creatures, though such as were " good, able and honest men " he retained.[4]

[1] Revenue Pamphlet, part ii. p. 118; B.R.C., Range 49, vol. 65, pp. 283-7. For a full discussion of the Amini office, see R. B. Ramsbotham, *Studies in the Land Revenue History of Bengal.*

[2] " I will not leave such wretches as Goring, Rosewell and James Grant (names that I blush to write) in the power to render my designs abortive, but shall think it incumbent upon me to choose my own agents for the charge of my own plan, especially as so much will depend upon it."—Hastings to Graham, 26th Sept. 1776, Gleig, ii. 113.

[3] B.R.C., Range 49, vol. 65, pp. 463-73, & vol. 66, pp. 247-8, Clavering's Minutes of 12th Nov. & 6th Dec. 1776. Clavering urged Francis to action, wrote protests to the Directors and appeals to the Attorney- and Solicitor-General.—B.M. Add. MS. 34287, p. 314. See App. IV. Nos. 4*e* & 4*f*.

[4] Gleig, ii. 121.

Francis offered no active opposition, but fought fiercely on paper.[1] When first condemned to a minority in Council he had proposed to act temperately. After an unsuccessful contest of two years, he felt justified, he assured his friends, " in withdrawing from it without discredit " ; [2] whatever the reasons for continuing Hastings after the repeated condemnation of all his measures, he was sure that it was not meant " that he should have the highest station without authority ". Consequently he would leave him " to answer for the general use or abuse of the powers entrusted or devolved to him ". But the proposed office challenged his revenue plan. Though the occasion could scarcely be said to warrant the recapitulation of his revenue polemics, he could not allow it to pass without a fight for his principles. In a lengthy minute of 5th November,[3] he attacked " the ultimate objects implied in the new institution ". In the first place, it was proposed " to obtain accurate states of the real value of the lands " ; in the second, " to institute inquiries to secure to the ryots the perpetual and undisturbed possession of their lands and to guard them against arbitrary exactions ". The first raised again the question of a ' hastobud ' : [4] the second challenged anew his whole zemindar-ownership theory. He dealt exhaustively with both points, reading into the proposals a meaning he alone was capable of conceiving, until the proposed office became some vile instrument, devised not by a sane man for administrative purposes, but by a demon in human form for the torture of a wretched people. The discussion continued till the close of December, when the case for the opposing sides was summarised by Francis in a voluminous despatch for the information of the Court of Directors.[5]

Meanwhile the new office had been instituted on the 29th of November under the supervision of Messrs. Anderson and Bogle, two of the Company's servants in whom Hastings placed implicit trust.[6] While it was prosecuting inquiries, Francis was writing fiercely to his friends and the Ministry, giving them " the true version of the purpose " of this new commission.[7] It was, he assured Lord North, Strachey and Welbore Ellis, " the finishing stroke to the country ". The Governor's object was to reduce the

[1] B.R.C., Range 49, vol. 65, pp. 374-91. See App. IV. Nos. 4.
[2] Francis to Genl. Fraser, 10th Feb. 1777. See App. IV. Nos. 4.
[3] B.R.C., Range 49, vol. 65, pp. 374-91 ; Revenue Pamphlet, p. 120.
[4] Exact valuation of the lands.
[5] B.R.C., Range 49, vol. 65, pp. 374-91.
[6] *Ibid.* pp. 455-91. The list of appointments was carried by Hastings on 12th Nov. 1776 ; *ibid.* vol. 66, pp. 84, 85, Consults. 29th Nov. 1776.
[7] See App. IV. Nos. 4.

native millions to be the day labourers of the India Company. When some hundreds of "aumils or inquisitors under the immediate and separate direction of the Governor and his Diwan were let loose upon the country", he knew "whose interests would be taken care of". But he was "weary of contending with ignorance, presumption, avarice and injustice". This wretched country had now no defence against the arbitrary power accidentally devolved to the Governor and which he seemed determined to use without reserve. "Every village", he wrote to Lord North, "will have its inquisitor, to whom not only the zemindars and talookdars but the peasants down to the naked wretch who tills the earth must pay a tribute. The misery of the whole people is truly inconceivable by any man who has not seen it. . . . Mr. Hastings' present system aims at the final destruction of the country, in a manner more avowed and direct, than was thought of by his predecessors." These exaggerated statements and morbid prophecies contributed greatly to colour the later revenue policy of England in Bengal.[1]

Despite the vehemence of his protests, Francis had assured the Board that he was prepared to assist, "even in the conduct of arrangements which I may not approve and to promote their success when once they are resolved on".[2] He hoped by refraining from active opposition to save, without the sacrifice of his principles, the fortunes of his friend Bristow who had replaced Middleton as Resident at the Court of Oudh.[3] In its inception, the Oudh Residency had been a purely personal affair. Middleton had been deputed to the Wazir on a particular mission—the initiation of Hastings' system of native alliances: his office was neither officially recognised nor sanctioned by the Court of Directors.[4] This relation the Majority had denounced and abolished in their dismissal of Middleton. Their appointment of Bristow carried with it the official recognition of the office of ambassador to Oudh, with a change in political policy.[5] Oudh, as an independent State, as independent of Bengal as France was of England, was to be maintained in friendship by the good offices

[1] See Chaps. VI. & VII.

[2] B.R.C., Range 49, vol. 65, p. 374.

[3] B.M. Add. MS. 34287, pp. 136-303, Bristow-Francis Correspondence; Gleig, ii. 114-17.

[4] B.M. Add. MS. 29134, p. 274, Instructions to Middleton, 28th Jan. 1774. Hastings had desired the Directors to sanction the appointment and allow the Resident an adequate salary. In March 1775 they wrote offering a salary of £100 per annum plus travelling expenses, promising to reconsider the matter when the nature of the office was more fully explained to them.—Bengal Despatches, vol. 7, Despatch of 3rd Mar. 1775, § 88.

[5] B.S.C., Range A. 26, pp. 701-4, Instructions to Bristow, 3rd Feb. 1775.

and judicious conduct of the Resident who must be constantly on the alert to safeguard English interests: and because those interests were intimatcly bound up with the internal organisation of Oudh and the Majority disclaimed all interference with internal administration, Bristow came to exercise an arbitrary authority. For such a trust—the most arduous outside the Council of Bengal —he possessed neither the necessary political sagacity nor personal disinterestedness. His acceptance of the post had involved the sacrifice of a lucrative business in Bengal for a position of much honour but little emolument.[1] Finding it impossible to keep up the state required of his station without supplementing his means, he had had resort to a little private trading. Though indulged in with the sanction of the Nawab, always ready to grant private favours in the hope of escaping public obligations, it raised a storm of obloquy against him. Reports of avarice and oppression, magnified in the transmission, reached the ears of the Bengal Council early in 1776.[2] Nor was this all. To meet the needs of the Wazir, he had contrived a variety of devices. Among these was the raising of a loan, at exorbitant rates of interest, from the very officers who received it back as pay. He himself, as anxious perhaps to vindicate his position as to share in the high interest promised, had invested liberally. Another source of debt, as in the case of the Nawab of Arcot, was thus added to the already bankrupt treasury of Oudh.

The Bengal Council, on learning of the transaction, were unanimous in their condemnation. Francis as early as February 1776 had written to give Bristow a hint of his recall. He implored a delay of some months, that he might put himself " at least in a line of recovering everything in time ". " If a sudden change takes place", he added, " I am ruined." [3] Francis was anxious to oblige him. Not only was Bristow his personal protégé, but his position had given Francis a peculiar advantage over his associates at the Board in the discussion of foreign and military questions.[4] By professing a spirit of moderation he hoped to induce Hastings to retain Bristow and delay the execution of the new military plan devised for Oudh.[5] The manœuvre succeeded.

[1] Bristow to Clavering, 29th May 1776, B.M. Add. MS. 34287, p. 255.

[2] Bristow-Francis Correspondence, May-June 1776, B.M. Add. MS. 34287; B.S.C., Range A. 32, pp. 537-64.

[3] Bristow to Francis, 9th Mar. 1776, B.M. Add. MS. 34287.

[4] Bristow transmitted the earliest intelligence of events, not only in Oudh and the surrounding States, but in Poona and Bombay.

[5] Gleig, ii. 115, Hastings to A. Elliot, 23rd Nov. 1776; Francis to Genl. Fraser, 20th Nov. 1776. See App. IV. No. 3.

But when, after the lapse of a period sufficiently long to have enabled Bristow to wind up his affairs, Francis suddenly refused [1] to lend his support to the Amini scheme, Hastings moved on 2nd December 1776 for the recall of Bristow and the reinstatement of Middleton.[2] Barwell supported the motion, "as a justice due to Middleton". Clavering and Francis entered a vigorous protest, the General counselling delay until the arrival of the Court's despatches.[3] Hastings declined a discussion, levelled no charge against Bristow, but declared he had a greater confidence in Middleton; and since the responsibility for all measures had been pointedly thrown on himself and Barwell during the past two months, he claimed the right belonging to that responsibility and to his office to choose his own agents.

With Bristow, Francis Fowke, the Majority's agent at Benares, received his recall.[4] On the transference, by the Treaty of Fyzabad, of the Raja's tribute from Oudh to the Company, he had been despatched to arrange the mode of payment.[5] Hastings declared his commission fulfilled and his office terminated. As in the case of Bristow, he made no charge against Fowke: but it was generally known that he had encouraged the Raja in certain foolhardy adventures, whilst not a little suspicion attached to the purity of his motives.[6] The subject had formed the occasion of an exchange of unpleasant personalities between Francis and the General whose protégé Fowke was.[7] Nevertheless, both resisted his recall, "as a vindictive measure couched under the appearance of public service".[8] Thomas Graham, who succeeded Fowke, was the first to hold the post of Resident at the Court of Benares, the office being proposed and carried by Hastings on 13th January 1777.[9]

The recall of Bristow and Fowke marked the close of 1776: 1777 dawned with no further intelligence from the Court of

[1] B.R.C., Range 49, vol. 66, pp. 243-6 & 257, 258.

[2] Forrest, Selections, ii. 557.

[3] "His [Bristow's] removal . . . is simply an act of power without justice, reason or the shadow of a decent pretence. As such I beg leave to represent it to you and your friends. You will judge in what manner it may be most proper to take it up at home. On this side everything that depends on me shall be done to make it an expensive victory to the Governor."—Francis to Genl. Fraser, 20th Nov. 1776. See App. IV. No. 3.

[4] Forrest, Selections, ii. 564.

[5] B.S.C., Range A. 30, pp. 74-7, 16th Aug. 1775.

[6] Bristow to Francis, 10th June & 12th July 1776, B.M. Add. MS. 34287.

[7] B.M. Add. MS. 34287, Clavering-Francis Correspondence, June 1776.

[8] Forrest, Selections, ii. 565.

[9] B.S.C., Range A. 40, Consults. 13th Jan. 1777. His duties comprised the transmission of the Raja's monthly tribute and the charge of the post office; he was indulged with an assistant, Mr. D. O. Barwell.

Directors. At the Revenue Board the protagonists met to discuss the details of the Amini investigation, to order the remission of rents or to question the exercise of judicial authority in particular cases of revenue collection.[1] In the Secret Department, they assembled to deal with a voluminous and ever-increasing correspondence from the subordinate Presidencies;[2] and in the General, to discuss appointments to minor posts, draw up new mint regulations, and examine methods of policing the city of Calcutta.[3] The opposition continued unabated; Clavering penning minutes of immoderate length and grossly insulting on the slightest provocation, Francis arguing logically and on principle. Every appointment proposed was a new 'job'; every action, never so necessary, concealed some ulterior motive. When on 13th January Hastings proposed to sanction the appointments of interpreters, maulvis and pundits, applied for by the Supreme Court to assist in dispensing justice to the natives, Francis seized the occasion for a fresh outburst against that institution.[4] The conflict between the Court and the Council had broken out afresh.

Meanwhile the American War had commenced and the crisis in India was in sight. Oudh, dissolved in anarchy, a prey to intrigues, developing daily into skirmishes between the effete Moghul and his allies, the Marathas, against the Sikhs, was perhaps the least of the dangers that loomed on the horizon in the early months of 1777.[5] From Bombay every packet brought disquieting intelligence.[6] A lull in the storm of Maratha discords saw a union of the disruptive elements—a fact alarming in itself—in an expedition against Hyder Ali who, reported in league with the French and in daily expectation of large bodies of well-drilled troops, had already conceived the gigantic scheme of ousting the English from India. He was preparing to swoop down upon a helpless Madras whose divided government and empty treasury appeared almost to invite his revenge. The situation was unprecedented in its peculiar combination of hostile circumstances: and while to Francis it presented the

[1] B.R.C., Range 50, vols. 1-3.
[2] B.S.C., Range A. 40.
[3] B.P.C., Range II. vols. 18-20.
[4] *Ibid.* vol. 18, Consults. 3rd Feb. 1777. Hastings' arguments turned on the need for supplying the Court with information on native law and custom to counteract the pernicious effects of its jurisdiction over the natives; Francis maintained that no amount of native assistance could qualify the Court to dispense justice to the natives of Bengal.
[5] B.S.C., Range A. 40-4, Middleton's letters to the Board, 26th Feb., 31st Mar., 14th, 21st, 28th Apr. & 5th May 1777.
[6] *Ibid.*, Consults. 13th Jan.-12th May 1777.

occasion for launching an alarmist campaign at home,[1] it provided for Hastings the impetus, as shewn in Chapter III., for the development of a 'foreign policy design' which he hoped would ensure the stability of the Empire, "beyond the possibility of being shaken by the most colossal upheaval".[2]

At the moment the Company could boast no superior military advantage. Compared with the hosts of drilled and disciplined troops under the command of French officers, which Hyder Ali and the Marathas could throw into the field, their military strength was almost insignificant. Francis counselled a policy of concentration[3]—the massing of troops, withdrawn from Oudh and the outlying provinces, within the frontiers of Bengal; and once secure in this stronghold, dare the foe to do his worst on a theatre of abandoned allies and discarded friendships. Hastings, while not denying the necessity of protecting Bengal, regarded it as the least vulnerable part of the Empire, recognising, in the early days before the storm burst, that the British power would have to contend for its existence in the remotest corners of India.[4] Much, he discerned, would depend on the arts of diplomacy, on detaching powerful foes from the French interest. As opportunities presented themselves he sought to apply the design discussed in Chapter III.

On 5th May 1777 he brought forward the new plan, devised in conjunction with Barwell, for "new modelling the military system" of Oudh.[5] With Middleton installed at Lucknow, its promulgation was now possible. It provided, in the main, for the transference of the troops then "in the service of the Nabob of Oude and commanded by British officers" to the service of the Company. For the rest, it comprised a number of minor regulations and military details which belong more properly to the province of the military historian. It was vigorously resisted by Francis and Clavering, Francis protesting that it had been concerted without the advice of the Commander-in-Chief and that, by providing for the defence of Oudh, would in no way operate to the advantage of Bengal.[6] The General's criticisms were expressed in a voluminous minute in which he

[1] See App. IV. Nos. 4, Francis to Lord North, Genl. Fraser and C. D'Oyly, 14th Feb. 1777.

[2] Gleig, ii. 131-50. See Chap. III. § 4.

[3] B.S.C., Range A. 40-4, Consults. 26th May & 1st Dec. 1777.

[4] *Ibid.*, Consults. 26th May 1777.

[5] *Ibid.*, Consults. 5th May 1777.

[6] *Ibid.* 41, Consults. 19th May 1777. The discussion on the plan continued until the death of Clavering.

reviewed the history and development of English military enterprise in Oudh.[1] The new plan was open, he maintained, to all the objections of the old, in that " the troops would still be in the pay of the Nabob ", and in consequence not have " a natural and permanent dependence " on us. It was carried by Hastings' casting-vote and Middleton instructed to convince the Nawab of its necessity.[2] Yielding to persuasion, because incapable of reflection, the Nawab signed its promulgation : [3] the day he did so, he signed away and forever his rights as an independent prince. This was inevitable : the recognition of a situation existing since Buxar. Had the virtual occupation of Oudh not come in the shape of Hastings' plan, it would have come as the result of anarchy and civil war which must have overwhelmed the province. As it was, the revolution was peacefully effected, although the depravity of the Nawab and the pernicious consequences of the Majority's policy were still to be a source of perpetual trouble.

On the execution of the Oudh plan, Hastings was contemplating a scheme of alliance with Berar,[4] an adjoining Maratha State, when on 14th June 1777 an express arrived from England with news which diverted attention from public matters to a struggle for the Chair. Macleane's negotiations with Lord North, referred to in Chapter II., had issued in a compromise, culminating in a ministerial intrigue. On Macleane's departure for England in 1775, Hastings had been determined to resign his post if the Directors joined with the Majority in condemning his political measures. This determination he had confirmed in a letter to Macleane of 27th March 1775,[5] when the attack on his personal integrity had made his situation almost untenable. Maturer deliberation, however, reinforced by the spectacle of the Majority's incompetence, had decided him to retract this resolution.[6] His later letters to North, the Directors, and to Macleane avowed a determination to stand fast until removed by the deliberate act of the Legislature.[7] Macleane, however, believed Hastings' prospects to be blacker than the latter suspected and, failing to appreciate the Minister's dilemma, felt convinced that

[1] B.S.C., Range A. 41, Clavering's Minutes of 19th May & 11th Aug. 1777.
[2] *Ibid.*, Consults. 19th May 1777.
[3] *Ibid.* 42, Consults. 4th Aug. 1777.
[4] Gleig, ii. 151-6.
[5] *Ibid.* i. 521.
[6] *Ibid.* 533.
[7] " If those who penned the letter [Directors' Despatch of 15th Dec. 1775] hope by it to provoke me to give up the battle, they have erred most miserably. Though ruin or death should attend it, I will wait the event, and if I must fall, I will not be the instrument of my own defeat by anticipating it."—Hastings to Macleane, 14th July 1776, Gleig, ii. 43; also *ibid.* 108-21.

the Clavering party would force Hastings to retreat in disgrace.[1] He was therefore glad to arrive at an accommodation with the Minister. Hastings was to retire with all honour, no specific mark of favour was to be shewn his adversaries, and those servants of the Company, displaced by the Majority for their attachment to the Governor-General, were to be restored. On this understanding, Robinson on behalf of Macleane had drawn up the draft of a letter to the Court of Directors, signifying Hastings' intention to resign. It was discussed at a meeting of Directors on 9th October and, after an examination of Macleane, Stewart and Vansittart, adopted as valid.[2] Edward Wheler, a former Chairman of the Direction, was nominated to the vacancy in Council created by the retirement of Hastings. It soon appeared, however, that North had merely made a dupe of Macleane. The *Gazette* of 9th November, which published the nomination of Wheler to the Council, announced the bestowal by the Crown of the red ribbon on Clavering. This was a gross breach of the whole spirit of the compromise and rendered the negotiations nugatory. Macleane immediately wrote Hastings to retain his seat.[3] It was Macleane's despatch which arrived in Calcutta on 14th June express from the Cape. Clavering was absent at Budge-Budge, but hurried up to town on a hasty message from Francis.[4] Neither had any letters : but Colonel Leslie, who had got wind of the purport of Macleane's despatch, had posted a note to Francis. The opposition held a private conference on the 15th, to decide on a course of action. On the 18th the Court's despatches arrived, and on Thursday, the 19th, were laid on the Council table.[5] Opened, they were found to confirm the substance of the private letters of the 14th—that the Court had unanimously resolved to accept Hastings' resignation, had appointed Wheler to fill the vacancy in Council, and that the *Gazette* had published the bestowal of an honour on Clavering. The Council broke up. On the following day, Friday, Hastings and Barwell met as usual at the Revenue Board ; [6] Clavering—

[1] Gleig, ii. 58-96. Macleane's letters to Hastings give a detailed history of these events.

[2] Bengal Despatches, vol. 8, p. 201, Despatch of 25th-30th Oct. 1776 ; *ibid.* vol. 9, p. 21, Despatch of 23rd Dec. 1778 ; Directors' Statement in reply to Hastings' Appeal of Aug. 1777. See App. IV. No. 6.

[3] Gleig, ii. 95, joint letter of Macleane and Stewart to Hastings, 13th Nov. 1776.

[4] P. & M. II. p. 86, Francis Journal.

[5] B.P.C., Range II. vol. 18, Consults. 18th-20th June 1777 ; Gleig, ii. 151-6. See App. IV. No. 6.

[6] P.R.O., T. 49/18, Revenue Consults. 20th July 1777.

now Sir John—summoned a Council in the "General Department".[1] Francis attended. Clavering took the oaths of Governor-General and, after requiring of Hastings to deliver up the keys of the Fort and treasuries, prepared to issue proclamations to the subordinate Presidencies, the Provincial Councils and other offices of State. Hastings replied in a letter, signed jointly with Barwell, that he knew of no act by which his place and offices had been vacated and that he was resolved to assert and maintain his authority. He required the despatches to be laid before the Judges, offering to abide by their decision.[2] Clavering demurred: Francis, although he objected to the Judges being regarded as the final authority, urged compliance.[3] Clavering agreed to suspend the execution of orders until the Judges had given their opinion. They met the same evening and decided unanimously that Hastings had not vacated his seat and that Clavering's assumption of the government was illegal.[4] Clavering and Francis, while refuting the arguments of the Judges, agreed to acquiesce in the judgment.

Hastings now determined to regulate his conduct towards the General and Francis "in accordance with the spirit that pervaded their deliberations of the 20th". Accordingly, he and Barwell met in Council on Monday without summoning the opposition,[5] and after a perusal of the deliberations carried a resolution "that the General by taking the oath as Governor-General and by his several other acts and declarations as such had actually vacated his seat of senior councillor and his post of Commander-in-Chief".[6] Alarmed, Clavering and Francis now appealed to the Judges. They held that the Board had no legal power to declare such vacancy and advised a compromise.[7] Both parties met in Council on the following day and agreed in the words dictated by the Judges, "to refer their several claims to England for decision and in the meantime to leave everything in the same state as it stood before the arrival of the packet".[8] Hastings ordered a salute and

[1] P.R.O., T. 49/17, P.R.C., 20th July 1777.

[2] *Ibid.* Clavering had possessed himself of the despatches.

[3] On a second requisition.—B.M. Add. MS. 34287, Clavering-Francis Correspondence, June-July 1777.

[4] P.R.O., T. 49/17.

[5] Auriol, secretary to the General Board, had, by attending Clavering and Francis in Council, evinced a partiality for the opposition. On Saturday evening he inquired of Hastings if he were to summon a Council for Monday. Hastings replying in the negative, Auriol notified Clavering who wrote Francis: "There is a report he [Hastings] means to give up."—Clavering to Francis, 22nd June 1777, B.M. Add. MS. 34287.

[6] P.R.O., T. 49/18, Consults. 23rd June 1777.

[7] *Ibid*, T. 49/17; Gleig, ii. 151-6.

[8] P.R.O., T. 49/18, B.P.C., 24th June 1777. The General and Francis attempted at first

the despatching of circulars to notify the honour done to Clavering. "I thought this a pitiful condescension," wrote Francis.[1]

On the 28th the *Rippon* arrived with another batch of despatches, containing private letters for all of the councillors. Those to Hastings joined in exhorting him to retain his seat, drawing a picture of party intrigue and sordid squabbles in the Direction and Ministry, which alone formed a powerful plea for his retention of a trust his superiors were incapable of appreciating.[2] With them came letters from Robinson.[3] To Hastings and Barwell he made no mention of the resignation, but to the opposition he expressed his sentiments more freely. He "thanked God" that the difficulties they had had to contend with were now at an end by Hastings' resignation: the Directors proposed to correct abuses and the masses of materials sent home were being sorted and digested. He hoped "their rule would establish in the near future a permanent system of Government founded in rectitude and strength for the happiness, prosperity and welfare of Bengal". In conclusion he assured them that Wheler would come out "with a determined inclination to act with them". Clavering now repented being induced by Francis to abide by the ruling of the Judges.[4] He exhorted him to hasten the completion of the despatches and to paint in the strongest colours "the pernicious consequences which were resulting to Bengal" from Hastings' continuance in office.[5] Nothing averse, Francis complied.[6] He had not acted a particularly violent or resolute part during the struggle for the Chair. The truth was that he preferred in his heart the rule of Hastings, to whom opposition must admit of a just interpretation, to that of Clavering whom he

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to refute the Judges' arguments on the invalidity of Hastings' resignation. The decision of the Judges was given on a second appeal. Hastings wrote Lord North that had Clavering not acted so rashly in seizing the Chair he would have fulfilled Macleane's undertaking, 29th June 1777.—Cleig, ii. 157-61.

[1] P. & M. II. p. 90.

[2] B.M. Add. MS. 29139, pp. 408-70, Letters from Macleane, Stewart, Sulivan, Sykes, etc.

[3] See App. IV. Nos. 5. The rough draft of the letters (Robinson Collection) reveals the fact, not inserted in the fair copies, that Lord North was instrumental in securing the honour for Clavering.

[4] "All my letters and particularly one from Mr. Robinson consider Mr. Hastings' resignation as actual and my succession to the Chair as having taken place."—Clavering to Francis, 29th June 1777.

[5] Clavering to Francis, 2nd July 1777. Extracts of Robinson's letters were enclosed in a note to Sir Edward Vernon to urge the necessity of hastening the despatch of the letters of appeal sent home. See App. IV. No. 5*g*.

[6] He wrote a private letter for Clavering to Lord North (P.R.O., T. 49/14, No. 3, dated 12th July 1777). Clavering instructed his brother to have it printed by Almon, "to show that he would never be the dupe of any minister". In his Journal, Francis recorded of it, "a good letter, but I fear the author will be suspected".—12th July 1777, P. & M. II. p. 90.

despised, but towards whom any expression of hostility would be ill-received by the Ministry and the Crown. He had in consequence exerted his influence to prevent the General proceeding to extremities: but the danger passed, he could safely inflame his passions. When on 13th July a second letter dated 20th November 1776[1] came from Robinson, which shewed plainly that the possibility of Hastings' refusing to quit the government had been foreseen by the Ministry without any provision for it being made, he hastened to convince Clavering that "he had been grossly abused on all sides", and wrote "a peppering answer" to Robinson in his behalf.[2]

In the midst of the tension the question of a new revenue settlement—that of 1772 had expired in April—was mooted.[3] The Amini investigations were still in progress, and as the Directors in their despatch of 24th December 1776[4] had recommended an annual settlement, "on the most advantageous terms", the existing leases were continued temporarily.[5] When on 28th July[6] the Court's long-expected despatches arrived they were found to deal only with minor points of revenue regulation, confirming the recommendation expressed in the despatch of 24th December, but promising further lights on the subject in the near future. The Majority's zeal in investigating abuses was again approved but dissatisfaction expressed with their foreign policy, especially in regard to Bombay and the Marathas. Clavering and Francis were indignant. "The General . . . appears to me and I believe to himself to be sacrificed on all sides," Francis recorded in his Journal.[7] Hastings consoled himself with the reflection that his policy had not been condemned. The censures of a partial party in the Direction were not sufficient to turn him from the determination to stand his ground. To give up now would be to abandon a sacred trust and that to satisfy the whim of a dying man; for Clavering, far from being able to assume the cares of governing a province, lay prostrate on a bed of sickness from

[1] P. & M. II. p. 91, Francis Journal; rough draft in Robinson Collection.

[2] *Ibid.*

[3] B.R.C., Rango 50, vol. i. 97-9, 246-54, 281-304, 364, 375-416, Consults. 11th, 15th, 16th, 18th & 22nd July 1777.

[4] Bengal Despatches, vol. 8, p. 299. See App. IV. No. 6.

[5] B.R.C., Range 50, vol. i. pp. 296-300. M. E. Monckton-Jones, *Warren Hastings in Bengal*, p. 263, says: "Francis advocated the pernicious system of annual leases." He opposed the proposition both here and later.

[6] Bengal Despatches, vol. 8, p. 387. See App. IV. No. 6, Despatch of 5th Feb. 1777. Discussed in Council, 29th July 1777. B.R.C., Range 50, vol. i. pp. 600-7.

[7] "The condemnation of the Poona Treaty is couched in terms expressly levelled against the General."—P. & M. II. p. 93.

which death alone was to release him. He died on 30th August and was buried privately as directed in his will.[1] To the last he had persevered in his bitter hostility. Hastings was not to be informed of the event until he had been laid to his final rest.[2]

. . . . . .

With Clavering's death passed the 'raison d'être' of the Ministry's opposition to Hastings;[3] but Francis and his biting pen remained. And thus armed, Francis was equal to any emergency. He had said many bitter things of Clavering; he had even made no secret of his feelings of animosity towards him, but death erased the memory of the General's shortcomings and inspired in Francis a noble resolution to vindicate the honour of his colleagues fallen in the struggle. "The memory of these honourable men", he wrote simultaneously to North, Ellis and Barrington, "must be cleared against the calumny of our common enemies and vindicated to the world. It shall be done if I survive them long enough to accomplish the task."[4] And no one can accuse him of failing to make the attempt.[5] That he mistook malignity for the promptings of honour and succeeded only in questioning the wisdom, even the integrity, of these honourable men was not due to remissness. The implied aim that lurked beneath the vow—the wrecking of Hastings' life—he achieved.

The event severed the link that had bound him to the Ministry and he affected to regard it as the crisis of his fortunes. "Nothing has yet happened", he assured Sir Edward Hughes, "of so much

[1] B.M. Add. MS. 34287, Lady Clavering's letters to Francis, 29th & 30th Aug. 1777; *ibid.*, Farrer to Francis, 30th Aug. 1777. Francis attributed the death of Clavering "to the rupture over the succession to the Chair". (See App. IV. No. 8*b*.) Macaulay's tale that it was precipitated by his compulsory attendance at the marriage of Hastings with the former Mrs. Imhoff is unfounded. He says that Hastings visited the General on the day of the ceremony and dragged him from his sick bed to the scene of the nuptials. In a note to Francis, dated 10th Aug. 1777 (two days after the marriage), Clavering writes: "On considering the *pros* and *cons* of visiting Hastings to-morrow, I think the first has it, on the ground that it proves our opposition not to be personal. If you are of that mind I will visit him, if otherwise not." (B.M. Add. MS. 34287, endorsed by Francis, "to visit Hastings on his marriage".) Both called. Francis had sent the colony into a flutter of excitement over the approaching event, and by playing upon Lady Impey's sense of outraged convention—Mrs. Imhoff was a divorcée—schemed, but without success, to effect a breach between Hastings and Impey.—P. & M. II. p. 91.

[2] B.M. Add. MS. 34287. Hastings tried to extenuate rather than resent the General's requisition and ordered a salute of minute guns.—P. & M. II. p. 95.

[3] "I have been instructed to believe that the adverse measures which have been taken against me have not had my removal so much for their object as the promotion of Sir J. Clavering."—Hastings to Lord North, 7th Sept. 1777. See App. IV. No. 7*a*.

[4] See App. IV. Nos. 8. Lady Clavering encouraged Francis in this resolution. "You only remain", she wrote him, "to serve that glorious cause [in which] my best friend lost his life."—10th Sept. 1777, Clavering-Francis Correspondence, B.M. Add. MS. 34287.

[5] See Chaps. V. & VI.

consequence to the well-being of Bengal, nor to the safety of the British Empire in India." [1] Characteristically, he set to work to convert the misfortune to his advantage. It presented a fresh opportunity for exhorting the Ministry and his friends to take action.[2] The recall of Hastings and Barwell would now leave the way clear for him. He enlarged on his fitness for the trust, stressing the fact that " three years' incessant application " had made him " tolerable master of affairs ", and that few could claim to rival his qualifications. The plan of government submitted in the letter of 17th September 1777 to Lord North, and discussed in Chapter III., was drafted to enforce these claims. On the whole, prospects appeared brighter. Wheler, his constant correspondent and brother-in-law of Livius, an intimate friend, was due any day. He determined to make sure of him and penned a malicious little note to intercept the new councillor at Madras.[3] It warned him to be on his guard : that Hastings was taking measures to capture him, and declared significantly that " both the Governor-General and Barwell are rotten at the root and must fall ". Wheler was instructed to take no steps until he had conversed with Francis. The hook was baited : with what success the future was to shew. Meanwhile Hastings, incapable of gauging the depth of Francis' malignity, was congratulating himself on having approached " the close of my political contests ".[4] He had always regarded the General as the most violent and uncompromising of his antagonists.

On 29th September 1777 Alexander Elliot, who had been associated with Macleane in the recent negotiations with the Ministry, arrived in Calcutta, bringing messages both written and verbal.[5] Hastings was now disposed to question the wisdom of the bold part he had played. He immediately wrote to Lord North that if Clavering's death had not removed the object for which his resignation was desired, he would instantly yield up the

[1] Francis MSS. No. 37, 30th Aug. 1777.

[2] See App. IV. Nos. 8 & 9.

[3] See App. IV. No. 9*a*.

[4] " The man whose rancour I dreaded, from a certain knowledge that he would have made no other use of power, but to persecute every man who had ever shown anything like attachment to me, and to undo all that remained of my doings is no longer my rival; and as it will be impossible to find his equal, I am indifferent, or nearly so, about my future fortune."—Hastings to Purling, 22nd Nov. 1777, and to Macpherson, 23rd Nov. 1777, Gleig, ii. 174-9.

[5] P. & M. II. p. 97, Francis Journal; B.M. Add. MS. 29138, pp. 371-428, Letters to Hastings from J. Stewart, G. Vansittart, Macleane and Sulivan, dated May 1777, exhorting him " not to resign ". The acceptance of Hastings' resignation through Macleane was the partial act of the Directors. "The Proprietors, headed by Gov. Johnstone and Lord Richmond, immediately called a Special Court to declare the act invalid and to refuse to accept Macleane's instruments."—J. Stewart to Hastings, 16th Nov. 1776.

government to the next in succession, Mr. Barwell, unless the member appointed to succeed to the vacancy created by his supposed resignation came provided with the instruments to succeed to the other vacancy in Council.[1] A rumour spread that Hastings was resolved to resign. Excitement ran high. "All the black people have it that Hastings is going away," Francis recorded in his Journal.[2] Scenting a conspiracy, he was watching events with an awakened interest.[3] He worked up a supposed quarrel between Hastings and Barwell, believed that Barwell meant "to push Hastings to extremity", that both were manœuvring to feel his pulse, and that he would be approached to arrange "for Hastings to go away and Barwell to follow".[4] But now that the goal of his ambitions appeared within sight in Bengal, the intelligence from home was disquieting. A letter from Welbore Ellis, dated 13th May, told him plainly to expect nothing of the Directors; that his union with Clavering and Monson was regarded as the effect of design to secure the purposes of the Minister, and that he must rest all his hopes on Administration.[5] At the same time, letters from D'Oyly and Burke warned him that Administration were too distracted with the situation in America to attend to Bengal and that all they desired was peace in the East.[6] This indifference was alarming: the authorities must be roused. Ellis was treated to two lengthy letters, despatched on 18th November,[7] reviewing with passionate justification the history of the Coalition. The authorities were assured that the Empire in the East was "full as much convulsed as in the West", and that the dangers of a French invasion were imminent; that

[1] Hastings at this time appears to have entertained seriously the project of relinquishing his trust to Barwell whom he recommends in his letter to Lord North of 7th Sept. as the only person in India capable of exercising a position of such consequence. Barwell, however, had all along been intimately associated with himself, and he therefore feared he would be equally obnoxious to the authorities. See App. IV. Nos. 7.

[2] P. & M. II. p. 110.

[3] Mr. Farrer, practising at the bar in Calcutta, reported to Francis "a long conversation he had had with Barwell", on the night of 8th Nov. "B[arwell] desired him to stay after supper, and kept him till four o'clock in the morning. It all turned on my views and intentions, and whether, if Hastings went away, I would let B. hold the government for a short time on condition of resigning to me at a fixed period." Francis' entry in Journal, 9th Nov. 1777, P. & M. II. p. 110: "I see plainly," Francis commented, "B—— at least would be happy to escape in a whole skin."

[4] "I would give him a bridge of gold to get rid of him."—Francis to Welbore Ellis, 19th Nov. 1777, Francis MSS. No. 39.

[5] P. & M. II. p. 101. So disgusted was Francis with Ellis' letters that he recorded in his Journal (P. & M. II. p. 96): "I see little or no difference between such a temporising courtier and that wretched scoundrel, Robinson."

[6] P. & M. II. pp. 103-6. Francis' letter of 21st Nov. 1777 in reply to Burke contains an interesting expression of his views on the American question.—Francis MSS. No. 39.

[7] See Apps. II. No. 20 & IV. No. 9*b*.

there was neither a General nor an army in existence, that Hastings' supineness was so unaccountable he almost suspected treachery, and that he was "contending alone against numbers, treachery and cunning". "While Mr. Hastings stays here", he assured Lord North, "the situation of this Government is without remedy."[1] He could only hope the French had other objects in view than the immediate acquisition of Bengal. This was written on 5th December: a day later Wheler was reported to have arrived at Budge-Budge.

Hastings despatched Elliot with Captain Cockrell, his aide-de-camp, to meet and conduct Wheler to town.[2] Francis wrote, offering to join him a few miles down the river. "It is material in the eyes of these people", he assured him, "that the earliest steps you take, however apparently minute, should mark the connections you mean to cultivate and those you wish to avoid."[3] Wheler, anxious to appear impartial, received Elliot cordially but declined his services and resolved to come up to Calcutta alone. Francis was jubilant. "Nothing could be more decided against nor a grosser affront to [Hastings] for his carriages with Mr. Barwell's fine coach have been waiting at Budge-Budge these four days," he affirmed.[4] Unconsciously, Wheler had succumbed to his strategy. On the 11th the new councillor surrendered his first appointment and succeeded to the vacancy in Council created by Monson's death.[5] News of the event had reached England as he was on the point of sailing, and he had posted back to obtain the instruments of succession.[6] This absolved Hastings from his declaration of 2nd October to Lord North.[7] Anxious to secure harmony in Council, he now proposed that Wheler should assume the rôle "of mediator of our differences".[8] Through Elliot he submitted to Wheler a "plan of accommodation", in which he surrendered everything in which Francis was personally interested and required only in return

[1] Francis MSS. No. 39, 5th Dec. 1777. To undermine Hastings' credit in Bengal, the Directors' despatches, condemning his political measures, together with a friendly letter written to Clavering, were circulated by Francis.—P. & M. II. p. 97.

[2] Gleig, ii. 181.

[3] Francis MSS. No. 39, 13th Nov. 1777.

[4] P. & M. II. p. 117.

[5] B.P.C., Range II. vol. 20, Consults. 11th Dec. 1777. It has been erroneously stated that Wheler was appointed to the vacated seat of Governor-General. Although Clavering was not expressly appointed Governor-General, he would have succeeded to the Chair automatically, and Wheler's appointment was that to the vacancy created by Clavering's promotion. See the Court's Despatch of 25th Oct. 1776, App. IV. No. 6.

[6] Bengal Despatches, vol. 8, p. 649; Court's Despatch of 16th Apr. 1777. Sir William Draper of Junian fame was one of the applicants for Monson's post (Robinson Collection). See App. IV. Nos. 5.

[7] See App. IV. No. 7*b*.

[8] Gleig, ii. 181.

his concurrence in the execution of public measures. Wheler received the document in silence. Straight from the back-stairs politics of the India House and Downing Street, he had come, if doubting, yet hoping to find Clavering in the Chair and he found him dead, with Hastings determined on the resolute exercise of a trust he had never relinquished. While in the Direction he had consistently supported the Clavering party; he had even voted for the removal of Hastings; he was now called upon to act with him. If he refused and commenced a new war in the company of Francis he would be fighting a losing cause. Hastings could carry his ends by means of his casting-vote. Sir Eyre Coote, who had been appointed to the second vacancy in Council, was not yet due: it was doubtful whether he would come since Hastings had retained his seat. But Francis was too near at hand to allow of Wheler's weighing the situation dispassionately. He had called on him the very night of his arrival,[1] and after a long confidential chat left him with a conviction, assimilated in spite of himself, that Hastings would devise some scheme to gain him. Elliot's proposals fulfilled this prophecy. In his dilemma, Wheler took refuge in vacillation. On the 13th he was taken ill of a fever and compelled to absent himself from Council. His indisposition became political; he must decide on a line of action before he could attend the meetings of Council.[2] In despair, he again summoned Francis who denounced the idea of an accommodation.[3] On the following day, Elliot approached Francis directly and desired a conference. They met on the 18th. Elliot played his cards skilfully and Francis was allured, but only for the moment.[4] On the morrow he "treated Elliot to a short, flat negative", and took Wheler to visit his particular ally, Mr. Justice Chambers. The latter approved his decision. Wheler was now decided. When, therefore, on the 21st, Hastings approached him personally and urged the danger of exposing the affairs of the province to continual faction, he heard him without interruption, said little in reply,

[1] P. & M. II. p. 117, Francis Journal, 11th Dec. 1777.

[2] B.R.C., Range 50, vol. 5, p. 387, Consults. 16th Dec. 1777. Wheler indisposed: "I begin to suspect that his illness is political."—Francis Journal, P. & M. II. p. 118.

[3] P. & M. II. p. 117, Francis Journal, 17th Dec. 1777.

[4] *Ibid.* p. 118: "His talents for negotiation", Francis recorded of Elliot, "are really considerable, formed under the tuition of Macleane. He proposes an avowed coalition with Hastings, and for this he offers me almost any personal terms I can desire. Among other things, he asserts that this is the earnest wish of the people in power at home, and that nothing can do me more credit; that it is Wheler's disposition; and that if I will consult him he will tell me so."

avowed a resolve to remain perfectly neutral, and Hastings left, convinced that he had engaged himself to Francis.[1]

Resolved to put Wheler's neutrality to a public test, Hastings proposed to carry two of the measures mentioned in the plan of accommodation. One was the restoration of Raja Rajbullub, dismissed by the Majority from the office of Rai Raian : [2] the other, the continuation for the following year of the revenue settlement, with such of the zemindars as were punctual in the discharge of their engagements. The Directors had declared the Raja's dismissal unjust, and their despatch [3] had been written with Wheler's concurrence. No orders to reinstate him had been given, but these, Hastings believed,[4] had been withheld out of consideration for the Majority. Clavering and Monson were no more ; Wheler, on principle, ought to support the motion. The second was a necessary public measure. On the 26th Hastings wrote to acquaint Wheler with his intention.[5] Wheler showed the note to Francis who pronounced it "a silly and impudent performance", and warned him against "Mr. Hastings' sophistries".[6] He advised Wheler for his own peace of mind "to give a decided negative once and for all and thus put a stop to all private negotiations". On the 30th Wheler entered minutes opposing both propositions.[7] Hastings now openly charged him with a concerted plan of opposition with Francis.[8] "So war is declared", chuckled Francis, "and H. himself tells the world that W. and I are united." [9] He drew up and circulated a minute in reply.[10] By the next despatch he wrote to inform Lord North of the union, and after enlarging on the

[1] Gleig, ii. 181-8, Hastings to L. Sulivan, 31st Dec. 1777.

[2] When Raja Gurdass was dismissed to make way for Muhammad Riza Khan, Raja Rajbullub was removed to make way for Gurdass. This was the result of a confusion in the Directors' Despatch of 3rd Mar. 1775. See Chap. II. p. 38.

[3] Bengal Despatches, vol. 8, p. 595, Despatch of 16th Apr. 1777. See App. IV. No. 6.

[4] Gleig, ii. 181-8 ; B.R.C., Range 50, vol. 5, pp. 480-3, Governor-General's Minute of 23rd Dec. 1777.

[5] Francis MSS. No. 39, Hastings to Wheler, 26th Dec. 1777.

[6] P. & M. II. p. 119, Francis Journal, 27th Dec. 1777, Francis to Wheler, 28th Dec. 1777. See App. IV. No. 10*b*.

[7] B.R.C., Range 50, vol. 5, pp. 487 & 517.

[8] *Ibid.* pp. 489-93, Consults. 30th Dec. 1777. "I had strong motives to declare my opinion of Mr. Wheler's having committed himself—I yielded to a sense of duty when I took the pains to gain his assistance . . . and he will be the sooner sensible of the *faux pas* which he has committed. It is surely a gross one. He might have gained the highest pitch of credit here by making himself the bond of peace ; he would have had a share in every public measure of Government, and his friends in its emoluments. He is now and must be a mere cypher and the echo of Francis."—Hastings to L. Sulivan, 31st Dec. 1777, Gleig, ii. 185.

[9] P. & M. II. p. 119.

[10] *Ibid.*, 31st Dec. 1777 ; B.R.C., Range 50, vol. 5, pp. 500-8.

opposition's failure to capture Wheler, embarked upon his favourite topic—Hastings' policy of ruination in Bengal.[1] The proposal to continue the revenue leases was, he assured him, "a deeper stroke than he could easily explain". There was no public ostensible motive for it. It amounted virtually "to a renunciation without reason assigned of the whole Auminee Scheme", and "did in effect declare their labours and inquiries to be utterly useless".

The new opposition, however, did not constitute a majority, nor was it an alliance sanctioned by the Ministry. Hastings felt he had little to fear from this new confederacy.[2] Parties were equally balanced and only Sir Eyre Coote's arrival would decide the issue. "I look for him", wrote Francis to his wife, "with longing eyes as Hotspur in the play does for his father's army."[3]

Early in 1778 Hastings proceeded to abolish the office of Naib-Suba and restore his own system of internal administration.[4] Anxiety to avoid hostility in Council had prevented his taking action earlier.[5] At first he proposed merely to divest Muhammad Riza Khan of his duties in the Nawab's household. The Nawab was no longer a minor and with Munny Begum was quite competent to manage his own affairs. Moreover, it was essential that the influence of the Governor-General and not that of a faction should predominate in the councils of Murshidabad. David Anderson, a friend of Muhammad Riza Khan, was sent to advise him of the projected arrangement and to require of him a solemn undertaking not to entertain any political connections adverse to the Governor-General. Deceived by the Directors' letter to Clavering which Francis had circulated, and led to believe that Hastings' term of office was drawing to a close, the Nawab insolently rejected the proposals and hastened to inform Francis that the Governor-General was attempting to buy him.[6] Hastings had not wished to act summarily with the Naib, because two of his closest friends, Francis Sykes and Richard Becker, were interested in his welfare. This open declaration of hostility left him no choice. He now divested him of both his offices in the house-

[1] See App. IV. No. 10*a*.

[2] Gleig, ii. 186.

[3] Francis MSS. No. 39, 5th Dec. 1777.

[4] B.S.C., Range A. 46, pp. 568-72, 579-94 & 595-617, Consults. 23rd Feb., 2nd & 5th Mar. 1778.

[5] Gleig, ii. 189-92, Hastings to F. Sykes, 23rd Apr. 1778.

[6] Francis MSS. No. 39, dated 24th Jan. 1778. The letter was delivered through Thomas Burgess, the Persian translator. Francis showed it to Wheler.—P. & M. II. p. 121.

hold and the Nizamat.[1] Munny Begum was reinstated and the criminal jurisdiction reorganised. The new arrangement was not final. In 1781 a drastic revision of the whole revenue and judicial system was undertaken, while in 1780 the force of circumstances led Hastings to consent to a temporary restoration of Muhammad Riza Khan. The arrangement was denounced by Francis as a flagrant job, conceived in the interests of Munny Begum and projected to give Hastings the disposal of the Nawab's pension.[2] Both sides were writing fiercely [3]—the one in justification, the other in condemnation of the new arrangement—when the differences between the Marathas and the Bombay Presidency headed towards a crisis.

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In May 1777 the situation in the west had become complicated by the arrival at Poona of the Chevalier de St. Lubin.[4] He was negotiating for a French-Maratha alliance in return for a factory at Poona, supported by a military force and the cession of a seaport near Bombay. His proposals were favoured by Nana Farnavese who with Succarem Bapu directed the administration at Poona, and was frankly hostile to British interests. Hastings, realising that this was the only way in which the French could hope to regain their lost consequence in India, had, when appealed to by Bombay,[5] proposed a plan on 26th January 1778 to meet

[1] B.S.C., Range A. 47, pp. 218-21 & 231-41, Consults. 4th & 11th May 1778.

[2] "Hastings would fain reinstate her [the Begum], as through that medium he would again have the disposal of the Nabob's pension. His worthy colleague [Barwell] temporises until he sees what can be extorted from Mahomed Reza Cawn."—Francis to Welbore Ellis, 2nd Jan. 1778, & to Lord North, 4th May & 5th Dec. 1778. See App. IV. Nos. 11.

[3] Although the financial prospects for the coming year were reassuring, Francis continued to pen alarmist despatches. Every day, the authorities were assured, saw some new job to establish their influence carried by the Governor-General and Mr. Barwell. He flatly contradicted their more sanguine representations, accused both of being in league with the Board of Trade to impose upon the credulity of the Directors, and asserted "that there never was a period, in which the public money and the Company's property had been so wastefully lavished in salaries and gratuities as the present". Further, he insinuated that Hastings had received a lac and a half from the young Nawab and the Begum for the late arrangement. Information was given to his banian by a native named Santiram Sing who was also prepared to prove "that Barwell pays H. every month a sum of money from 20 to 30 thousand rupees a month on account of joint profits, and that H. professes to receive this money for bills in England, which he says he gives Barwell". Yet on being informed that it was also rumoured that he, Francis, "had received money from Mahomed Reza Cawn, Baber, Harwood, Higginson and Law", he preferred to believe Hastings guilty rather than the victim with himself of slander, and even suggested "that H. and B. had circulated the rumour".—P. & M. II. pp. 123, 124, Francis Journal, Feb.-Mar. 1778. See App. IV. Nos. 4.

[4] B.S.C., Range A. 31, Consults. 12th & 26th May 1777; Gleig, ii. 194.

[5] "If time is given for the French Ministry to take this measure and to supply Nana with a body of forces, we can expect nothing but a repetition of the scene of wars and intrigues formerly enacted on the Coast of Coromandel, which will certainly be fatal to

the danger.[1] Before it could be discussed news arrived from Bombay that Succarem Bapu, the aged Premier, had, with a party of ministers, divided in opposition to Nana and made overtures to them for assistance in aiding Ragoba, whose claims Bombay had formerly supported to the leadership of the Marathas, and that they, on condition that the request was made in writing, had agreed to comply.[2] In pleading the urgency of the occasion for engaging so far on their own authority, they appealed to the Board for approbation and support. Hastings at once proposed the adoption of the design and the necessity of providing Bombay with both men and money, forwarding a copy of the proposed resolutions to Bombay to prevent the effects of the delays expected in passing them.[3] Francis and Wheler condemned the resolutions as "illegal, unjust and impolitic". It had been taken without the sanction of the Supreme Authority, was eontrary to the treaty existing with the Marathas, and would "involve us in the dangers and burdens of war". Supported by Barwell, Hastings argued that the emergency justified the illegality, that it could not be contrary to the treaty when the principal person with whom the treaty had been made had proposed it, and that a measure calculated to give the English a permanent influence in the Maratha Empire could not be impolitic. A war of minutes followed ; but the resolutions were carried by Hastings' casting-vote, Francis and Wheler recording a formal protest and dissent. Ten lacs of rupees were sent to Bombay by bills. On 23rd February orders were issued for forming a detachment "to assemble near Calpy and march by the most practicable route to Bombay".[4] Colonel Leslie was appointed to the command. Francis and Wheler, after a private conference, resolved "to give every possible opposition to the pernicious measures proposed by Hastings".[5] The despatch of a detachment was branded as rash. It was an undertaking the Direetors would disapprove. They had repeatedly ordered their servants to avoid distant expeditions. Further, it was designed for a purpose at once illegal and injudicious—the violation of a sacred treaty and the inter-

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the influence of the English on this coast and may end in our total subversion."—Bombay Letters, June 1777 ; B.S.C., Range A. 41, 16th June 1777, & vol. 46, pp. 76-139, Consults. 26th Jan. 1778.

[1] B.S.C., vol. 46, pp. 139-49.

[2] Forrest, Selections, ii. 567.

[3] *Ibid.* pp. 568-72 ; Gleig, ii. 194-207.

[4] Forrest, Selections, ii. 578 & 591.

[5] P. & M. II. p. 123, Francis Journal, 22nd Feb. 1778 : "This war will be carried on upon the Malabar Coast far from any check or control of ours, though entirely at our expense."—Francis to Welbore Ellis, 2nd Feb. 1778. For Francis' point of view, see App. IV. Nos. 12, Chap. III. § 4 & Chap. VII. pp. 199-201.

ference with the internal disputes of a nation with whom we had no cause for quarrel. Joint appeals, again penned by Francis, were addressed to the Ministry and the Directors.[1] The Governor-General was acting in concert with the people of Bombay and was prepared to go all lengths to serve the interests of individuals. "I could show you to demonstration", Francis affirmed in a letter to Ellis, "that all the schemes of the people of Bombay for acquiring territory on that coast have no object but their interests as individuals to which they sacrifice every public consideration." No danger was to be apprehended from the French on the western coast. If they meant to strike, it would be through Bengal. The plea was a mere pretext to satisfy Mr. Hastings' lust for conquest and dominion. Again the Minister was exhorted to take action; while Francis and Wheler remained there was still time "to settle the British possessions in India on a basis of permanent peace".[2] Bristow, Goring and Harwood, three of the displaced Company's servants, were despatched home to rouse the authorities.[3]

Meanwhile, with a disunited Council, panic spreading in Calcutta—the effect of the tales circulated by Francis—and with despatches[4] constantly arriving condemning his political measures and questioning his personal integrity, Hastings was fighting single-handed against a Franco-Maratha conspiracy in spite of the supineness of the Bombay Presidency which at the eleventh hour wished to fight shy of the whole undertaking.[5] They sent

[1] See App. IV. Nos. 12.

[2] "We are bought and sold, nor can it be otherwise as long as the fate of the British Empire in India is left to be decided in Leadenhall Street."—Francis to Welbore Ellis, 19th Feb. 1778. "The Minister must look to it. If India be lost or hazarded, he will not be defended by saying that he left the care of such a portion of the Empire to the Court of Directors. The interposition of Parliament, in the first instance, amounted to a declaration that the Company were unequal to the charge, yet that measure having never been followed up, nor even fairly executed, but left to be maimed and mangled at the India House, has produced no one of its profest purposes. Another thing is worth his consideration: that the few men, who are still capable and willing to set things right or at least to prevent the ruin that threatens India, may not be exasperated or driven to despair."—Francis to Harwood, 17th Feb. 1778.

[3] C. Goring and C. Harwood had been dismissed the Provincial Councils by Hastings. Goring acted as Francis' personal agent. See App. IV. No. 13.

[4] The Court's Despatches of 11th June, 4th July & 20th Nov. 1777 condemned Hastings' revenue system, ordered the reinstatement of Bristow and Fowke, and expressed dissatisfaction with "the use the Governor-General was making of his majority", since the death of Monson, and alarm at General Clavering's resolution to resign. See App. IV. No. 6.

[5] Forrest, Selections, ii. 692; Gleig, ii. 197; Francis to Lord North, 11th June 1778. See App. IV. Nos. 12: "I have great pleasure in telling you that the Presidency of Bombay has sent orders to Col. Leslie to stop the march of his army. . . . Whatever may have been their motives, I cannot but think it a fortunate event for the Company, though the rebuff to this Government is a little ludicrous and not a little disgraceful."—Francis to T. Rumbold, at Madras, 13th June 1778, Francis MSS. No. 37, p. 282.

orders to Leslie to suspend his march and failed to avail themselves of the distractions at Poona where the projected revolution took effect, but without their aid or any benefit to Ragoba. Nana Farnavese was readmitted to an inferior station in the government and the connection renewed with St. Lubin who gave assurances of the arrival of a French force before that expected from Bengal. On the receipt of this intelligence, Francis moved for the recall of the detachment.[1] Defeating the motion, Hastings ordered Leslie to take his orders only from Bengal and, despairing of any effect from the irresolute acts of Bombay, turned his attention to another quarter to which he had before looked for assistance.

It had long been a favourite project of his to secure an alliance with Berar.[2] By adoption and blood, Mudaji Bonsla, the Raja, had some pretensions to the leadership of the Maratha Confederacy. Although he had relinquished these—with reservations for the future—in consideration of certain valuable concessions, made by the actual Peshwa to the Bonsla family, Hastings conceived the design on the death early in January of Ram Raja, the fainéant ruler of the Maratha Empire, to encourage Mudaji to renew his claims, with the assistance of the English. To raise to the Maratha ' gadi ' a prince who should owe his position to the English connection and be in firm alliance with them would constitute a great diplomatic triumph. It would militate against the developing French influence in the councils of Poona and overcome the necessity for that struggle for supremacy believed to be inevitable. Despatches to this end had been sent to Mudaji's Court, when the application of the Poona Ministry and the prior claims of Ragoba had caused the suspension of the negotiations. Mudaji, however, had shewn himself friendly and given his consent to the passage through his dominions of Leslie's detachment.[3] Hastings was pondering on the details of the design when on 8th June Leslie reported that he had met with some resistance from a Maratha chieftain in crossing the Jumna.[4] Francis at once proposed that the expedition be "absolutely countermanded".[5] Two days later news of Burgoyne's surrender in America was received.[6] It created a general feeling of impending disaster.

[1] Forrest, Selections, ii. 600.

[2] See Chap. III. § 4. As early as 1773 Hastings had opened negotiations with the then Raja of Berar whose death in battle, however, had caused their suspension, though the plan of an alliance was kept alive by the Raja's vackeel.—Gleig, ii. 198-201.

[3] Gleig, ii. 199; Robinson Collection, No. 183*a*, letter from "Modajee Bhoosla" to Hastings.

[4] Forrest, Selections, ii. 612. [5] *Ibid.* p. 614. [6] *Ibid.* p. 630.

Again Francis pressed for the countermanding of the expedition, urging the necessity of standing on the defensive and not weakening or dividing the forces on which the safety of Bengal depended.[1] Hastings, never so self-possessed as when faced with a crisis, refused to be intimidated by events in the West. With the advantages which the English possessed over every other power in India there was no call, he held, to act merely on the defensive. It would be injudicious to stop abruptly a measure of such importance to the national interests and safety, when the eyes of all India were turned upon it. If it were really true that the British arms had suffered so severe a check in the Western world, all the more was it incumbent on those who were charged with the nation's interest in the East to exert themselves for the retrieval of the national loss. The troops occupied at the moment a post of great strategical importance and were stationed at a convenient spot to execute any plan of operations which might be formed with Mudaji.[2]

On 7th July came news via Suez that war had been declared between England and France.[3] It was no longer a time to temporise. The French had laid their plans in the very heart of the Maratha Empire : the Bombay Presidency was not to be relied upon. Immediately Hastings moved for an offensive and defensive alliance with Mudaji.[4] Elliot was appointed to conduct the negotiations.[5] He left Calcutta on the 20th July, in haste to reach Nagpur, Mudaji's capital, before Leslie reached the Narbudda. Orders were issued to Madras to prepare for an immediate attack on Pondichery and a force was despatched to demand the surrender of Chandernagore.[6] It was quietly effected on the 10th. The Madras Presidency were empowered to enter into a treaty of alliance with Hyder Ali, in the hope of diverting him from his engagements with the French : while

[1] Forrest, Selections, ii. 631. [2] *Ibid.* p. 632. [3] *Ibid.* p. 637.

[4] B.S.C., Range A. 49, pp. 372-411, 18th July 1778 ; Gleig, ii. 197-204, Hastings to Sulivan, 18th Aug. 1778. The terms of the alliance proposed " that a stipulated number of battalions . . . shall be maintained for the service of the Government of Berar and paid by a monthly subsidy : and that this force shall be stationed on our own frontier, ready always for immediate service ". " They will prove ", wrote Hastings to Sulivan, " a vast augmentation of our military strength without an addition of expense. The residence of such a concourse of people . . . will bring the western division by degrees into cultivation : it is now little better than a desert, though equal in fertility to the best peopled lands in Bengal. It will open a communication by land with Bombay, and it will finally complete the defence of our possessions by an insurmountable barrier on that side of them." See App. IV. Nos. 14 & 15, and Chap. III. § 4.

[5] See App. IV. No. 14*a*, Elliot's Instructions.

[6] Forrest, Selections, ii. 638 ; Robinson Collection, Hastings' review of the measures adopted to provide for the situation in a letter to Lord North, July 1778.

steps were taken for the immediate defence of Calcutta and Bengal.

Among the measures adopted to meet the situation was a requisition to Chait Singh, Raja of Benares, " to contribute his share of the burden of the present war by consenting to the establishment of three regular battalions of sepoys, to be raised and maintained at his expense ".[1] Francis proposed to add the reservation " that the Raja be informed that this additional charge would not be imposed upon him beyond the continuance of the present war ". As the qualification involved a grave principle—the right of the Company to exact, under pressure of affairs, an extraordinary sum from its vassal princes—Hastings declined to discuss the question of right and negatived the reservation. He declared it as his opinion " that he deemed it a right, inherent in every Government, to enforce such assessment as it judges expedient for the common service and protection of all its subjects ", and that " we are not precluded from it by an agreement subsisting between the Raja and this Government ". It was in this view that the sequel of 1781 originated and the consequent charge of impeachment.

The whole plan of operations was denounced by Francis.[2] The scheme of alliance with Berar was a foolhardy proposition and he was frankly suspicious of its purpose. " We agree in suspecting Hastings of the worst designs," he recorded in his Journal,[3] when Auriol brought him a copy of Elliot's instructions. It was a " pretty scheme ", for which the Governor-General was neglecting to take the necessary vigorous measures for the defence of Bengal. He suspected " the Governor's present intention to be, to quarter the army in the rich, defenceless country of Bundelcund which is the principal market for diamonds, and where new sources of private fortune will soon be discovered ". He openly accused him of " indolence and incapacity ", asserted that " the man is bewildered and totally unequal to the task ", and even urged Barwell to incite him to action.[4] Despairing of any result, he himself, with the assistance of Kydd and Watson, two of the Company's engineers, devised a plan for the defence of the provinces, while he despatched circulars to every distant military station, suggesting that a French armament was actually on its way to Bengal.[5] Convinced that the French could only strike

[1] Forrest, Selections, ii. 637.
[2] B.S.C., Range A. 49, pp. 398-410; App. IV. Nos. 12 & 14.
[3] P. & M. II. p. 132. See also a very violent letter to Rumbold, App. IV. No. 14*c*.
[4] P. & M. II. p. 132. See App. IV. Nos. 12.
[5] Francis MSS. No. 41.

through the Marathas, Hastings ignored his sallies.[1] The executors of his design, however, conspired in incapacity to defeat it. Leslie loitered in Bundelcund. Bombay abandoned their own cause on learning that Bengal was to support it. On 12th October Hastings moved to supersede Leslie by Goddard.[2] On the 19th Leslie's death was reported.[3] Hastings awaited the upshot of the negotiations at Nagpur. All that came was a report of Elliot's death.[4] This was an irreparable loss. Mudaji, however, pressed for the continuation of the negotiations.[5] A packet addressed to him had been intercepted and he was now threatened with hostilities by the Poona Ministry and Nizam Ali. Hastings proposed to empower Goddard to treat on Elliot's instructions.[6] Again Francis and Wheler urged the recall of the detachment and the abandoning of the whole design;[7] but Hastings persisted, carried the motion together with a revocation of the powers given to Bombay.[8] On 9th November came news of the capitulation of Pondichery.[9] The terms were so unsatisfactory that Hastings moved to order the destruction of the fortifications. Francis agreed that the articles were exceptionable but refused his assent to the proposition, declaring that Hastings " meant nothing but to throw a slur on Rumbold and Munro ".[10]

In this situation, fighting incompetence in the distant Presidencies, forced to contend for every inch of ground with his Council, while anxiously awaiting the results of the negotiations with Berar, Hastings was suddenly faced with Barwell's decision to return home.[11] The loss of power at this critical moment would

[1] " The season of the year in which an army must begin its operations in this country; the season of the year in which the winds will allow it to arrive; the number of which it must consist to encounter such a force as we possess with the resources of the country at our command . . . all render the attempt improbable, and if made, reduce it to a certainty of miscarriage. They will, if they ever attempt the invasion of Bengal, make their way to it by an alliance with one of the powers of the country, and the only power with which that is at present capable of being effected is the Mahrattas. . . . If the means, therefore, which we have provided are insufficient for the protection of Bengal against any enemy or combination of enemies, none can protect it."—Hastings to Sulivan, 18th Aug. 1778, Gleig, ii. 207.

[2] B.S.C., Range A. 49, p. 310. [3] *Ibid.* p. 332.

[4] *Ibid.* p. 260; Gleig, ii. 219, Hastings to L. Sulivan, 29th Nov. 1778.

[5] B.S.C., Range A. 49, pp. 411-15. [6] *Ibid.*, 16th Nov. 1778.

[7] *Ibid.* pp. 422-34. " Wheler's Minutes very strong: drawn up for him by Ducarel."—Francis Journal, P. & M. II. p. 135.

[8] B.S.C., Range A. 49, pp. 434-7 & 493-5.

[9] *Ibid.* p. 365. Ten lacs had been sent from Bengal for the purpose. Francis styled it " a bribe from Hastings to Sir E. Vernon ".—Letter to Lord North, Oct. 1778, Robinson Collection. [10] P. & M. II. p. 136.

[11] Forrest, Selections, ii. 665. Alarmed at the virulence of Francis' campaign, Barwell's sister and his friends urged him to abandon a scene where he played only a secondary part, assuring him of support and honour if he returned home. As Miss

be disastrous. He exhorted Barwell to remain for the sake of the "national honour" [1] and succeeded in prevailing upon him to postpone the project until after the arrival of Coote. To add to these cares, Hastings found himself constantly called upon to justify his financial policy to the Directors, to account for the decrease in the investment, and to explain away exaggerated statements circulated by Francis. Then, to crown all, came word from Goddard, towards the close of December 1778, that Mudaji, alarmed at the plan formed on 12th October by the Bombay Presidency, to conduct Ragoba in triumph to Poona, with an army hastily equipped and improvised under the command of Colonel Egerton, had broken off negotiations, not caring to commit himself to a power which, while offering aid to him, supported Ragoba as his competitor.[2] Two months later came news of the surrender of the Bombay army and the disgraceful Convention of Wargaum, with Bombay's resolve to disavow it.[3] "The terms of the treaty almost made me sink with shame while I read them," [4] declared Hastings, and Bombay persisted in remaining silent, refusing obstinately to disclose their future line of action. Francis was triumphant. He had all along predicted disaster. Such was the inevitable consequence of distant expeditions, and he trembled for the fate of Goddard's army.[5] In this he was to be disappointed. Finding Mudaji now less than ever disposed to treat, Goddard had marched his detachment safely to Surat, and succeeded in wiping out the disgrace of Wargaum. This turned the tide of disaster. Although the negotiations with Mudaji were

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Barwell was in communication with Robinson and was regarded by her brother as the guardian of his interests, her importunities had great weight. The affair was probably a ministerial manœuvre to cripple Hastings' authority by depriving him of his only support in Council.

[1] *Ibid.* p. 667. In reply to Hastings' appeal to Barwell, "for the sake of the national honour", Francis recorded an interesting minute, expressive of his whole attitude towards the war. "I have", he wrote, "no idea of national honour independent of justice. The projects of ambition are usually dangerous. If they are nothing but the projects of ambition, they are in my judgment, always dishonourable. To revert to that pacific system which the Company have uniformly prescribed to us, to endeavour to conciliate the friendship, which we have unjustly or unwisely departed from, and to return if it be possible to the terms of a treaty which we ourselves have wantonly violated, are not acts that will ever, as I think and as I feel, bring dishonour on the British name." See also Chap. III. § 4.

[2] B.S.C., Range A. 49, pp. 502-32 & 628-46, Consults. 21st Dec. 1778 & 11th Jan. 1779; Forrest, Selections, ii. 665, Consults. 25th Jan. 1779; Gleig, ii. 224. It had been Hastings' original intention to propose an absolute restriction on Bombay, while negotiations were pending with Mudaji, but he had been overruled by Barwell who urged the Directors' orders of 5th Feb. 1777, encouraging the support of Ragoba.

[3] Forrest, Selections, ii. 672, 27th Feb. 1779.

[4] Gleig, ii. 272.

[5] *Ibid.*; Forrest, Selections, ii. 676.

suspended, the project had served its purpose. Hastings was confident that in the near future Berar itself would solicit an alliance. "It will prove", he claimed, "the most fortunate connection that was ever made by the British nation in India, and, properly managed, may ensure its lasting dominion over this Empire, virtually though not actually, held."[1] Goddard was instructed to treat with the Marathas for a peace on the basis of the Treaty of Purandhar, and to stipulate in particular for the exclusion in future of any French force from the Maratha dominions. The events of Wargaum, however, had precipitated a new crisis in the south, where a joint confederacy between the Nizam, Hyder Ali and the Maratha chiefs was rumoured.[2] The long-expected struggle for supremacy was looming on the horizon, but with Hastings in Bengal, it was not to find the English wholly unprepared.

Sir Eyre Coote had arrived late in March.[3] Both sides had made a desperate bid to secure him, and Hastings had prevailed.[4] Faced with a crisis and confident of his ability to overcome it, if allowed to act, while convinced of disaster if overridden by his Council, he had decided it was no time to battle minor points of significance. Coote, though still quite capable of taking the field, was no longer the man he had been, regarding with childish delight and acquisitiveness the treasures of India. His several claims were indulged, every military honour shewn him on his arrival, and a liberal establishment formed for his expenses in the field.[5] Thus conciliated, he had assisted in the drafting of a plan of operations, proposed in the event of the renewal of hostilities. His compliance, however, proved short-lived. Francis was not the man to take defeat without a struggle. So convinced had he been that Coote was coming out to support him,

[1] Gleig, ii. 260-75, Hastings to L. Sulivan, 18th Apr. 1779.

[2] Forrest, Selections, ii. 668.

[3] 23rd Mar. 1779. Landing at Madras in Dec. 1778, Coote had delayed to negotiate with the Nawab of Arcot on private matters. From there he sent Robinson alarmist accounts of the situation in India, blaming the Bengal authorities for the troubles in the west, and Hastings in particular for his rash proposition in sending an army into the heart of the country.—Sir Eyre Coote's letters to J. Robinson and Lord North, Jan.-Feb. 1779, Robinson Collection.

[4] Gleig, ii. 260-2. Although he had assiduously circulated tales of Coote's corruption, "in the days of Cossim Ali", before the General's arrival, Francis hastened to pay court to him, and was frankly surprised when Coote appeared to temporise.—P. & M. II. pp. 153, 154; Francis MSS. No. 40, pp. 15-30.

[5] Coote's claims to the house and grounds of Ghiretti were conceded—the matter had been in dispute with a native named Nobkissen—the military department was unreservedly surrendered to him, and his proposal of an Adjutant-General for Bengal adopted. Further, Hastings contrived to exclude from the Board such matter as might tend to revive past disputes, even forbearing to mention Francis' name to the General.

that he had commenced preparations for the erection of a new house for himself in Calcutta, anticipating a prolonged stay in the country.[1] By secret artifices and insidious insinuations he soon succeeded in convincing the General that he had fallen too easy a prey to the Governor-General's bait.[2] Coote was miserable, and took refuge in his house at Ghiretti where he sulked in silence.[3] In September he departed up the river to supervise the launching of certain military operations, and from this safe distance attempted to defeat the measures he had before sanctioned.[4]

. . . . . .

On 19th October the term of the Company's government by the Act of 1773 expired. Despatches were expected and meanwhile no Councils were summoned. Francis lingered at Hugli; Coote was in Oudh, and Barwell determined to go home.[5] In November came news that the existing system was prolonged for another year. Hastings' position was now assured for some months. This was fortunate. Some weeks later Goddard reported that the Marathas would not make peace on the conditions proposed, and on 1st January 1780 the war was renewed. Resolute action was necessary, and Francis was openly hostile, Wheler his echo, Coote unreliable, and Barwell fixed in his determination to depart. Again Hastings' majority stood in peril. Conscious of this, while anxious to facilitate his departure, Barwell sought to bring about an arrangement with Francis. The latter was now a disappointed man. The prolongation of the Act and the deliberate continuance of Hastings had disgusted and disillusioned him, while the combination of

[1] "I am going to build a house, from whence you may conclude that I have no thought of quitting the premises. . . . Sir Eyre Coote is expected every day—Embassies of all colours, ranks and denominations are going down to meet him. You may take my word for it that all their endeavours in this way will avail nothing."—Francis to W. Harwood, 14th Feb. 1779, Francis MSS. No. 37, p. 312.

[2] P. & M. II. pp. 154-8, Francis Journal.

[3] *Ibid.* p. 157. "Coote loiters with his wife at Ghiretti and is fit for nothing else. Il faut une grand course pour madame, après quoi le pauvre diable n'a plus qu'à mourir. L'insensé s'amuse à arranger sa maison et ses jardins à Ghiretti, comme s'il avoit encore un siècle à vivre."—Francis Journal, 19th May 1779.

[4] Gleig, ii. 236-48. To divide the Maratha strength while diverting it from Col. Goddard, it was proposed to secure a treaty of alliance with the Rana of Gohud, a small stretch of territory on the Jumna, about 60 miles S.E. of Agra. Coote had agreed to the proposition, but on Hastings' deputing Capt. Palmer to the Rana to execute the Commission, protested against a treaty with so inconsiderable a power, and insinuated that the Governor-General was harbouring some mercenary motive. "The man is evidently taking new ground, in order to convince the world that Hastings has not bought him," recorded Francis in his Journal.—P. & M. II. p. 175.

[5] P. & M. II. pp. 170-2, Francis Journal.

hostile forces which threatened the Company's power in India made him nervous of assuming a responsibility for which he was in no way fitted.[1] Barwell found him more susceptible to negotiation than hitherto. With the mediation of Sir John Day, who had come in December 1779 to fill the post of Attorney-General, an approach towards an accommodation was reached.[2] It was consummated towards the close of February 1780, and Barwell took his passage for England.

The agreement turned on Hastings' anxiety to carry through the operations necessary to the successful prosecution of the Maratha War. It provided " that Mr. Francis will not oppose any measures, which the Governor-General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas ", and " in the conduct of business the Governor-General shall take the lead ". In consideration of this, Fowke was to be reinstated at Benares and Muhammad Riza Khan reappointed to the offices in the Nizamat. Both appointments had been repeatedly ordered by the Directors[3] who, foiled by the Governor-General's retention of his post, had sought to weaken his authority by condemning and ordering the reversal of all measures carried by him since the death of Monson : they had been successfully resisted by Hastings.[4] Confronted now with a graver crisis, he chose the lesser evil. He refused, how-

[1] Goring wrote reporting the substance of a conversation with Welbore Ellis from which he had gathered that " it was intended to disgust you and induce you to relinquish your post ".—Francis MSS. No. 37, 17th Apr. 1779. " We have six armies in the field ; we have quarrelled with all India : we have squandered at least a million of the Company's money, and in this state if not a worse, Mr. H. will leave the Government."—Francis to Godfrey, 16th Feb. 1779, P. & M. II. p. 152. " Even if the Government should devolve to me, I fear it will come in such a state as to defeat any efforts of mine to recover it. In the hopeless condition in which we are now reduced I do assure you I shall not envy the man who supplants me."—Francis to Ross, 25th Mar. 1780, Francis MSS. No. 37.

[2] Gleig, ii. 249-54, Hastings to L. Sulivan, 30th Jan. & 4th Mar. 1780 ; P. & M. II pp. 180-7. See Apps. IV. Nos. 15 & V. No. 1*d*.

[3] Court's Despatches of 5th July & 28th Nov. 1777 and 30th Jan. & 4th Mar. 1778. See App. IV. No. 6.

[4] On 5th Apr. 1779, immediately on Coote's arrival, Francis moved for the recall of Graham from Benares and the reinstatement of Francis Fowke. Coote refused to support a measure agitated before his appointment, and the motion was therefore lost. It was on this point that Coote had first declared himself, and so put an end to any hope Francis had entertained of his alliance. In a characteristic note to W. Harwood, dated 6th Apr. 1779, Francis writes, " You congratulate me very sincerely on Sir Eyre Coote's arrival. On a question for obeying the Company's positive orders for reinstating young Fowke, he yesterday took a decided part and forever. I believe I may return you your congratulations, having at present no use for them."—Francis MSS. No. 37, p. 322. " When they [the Directors] abandon the line of their duty, leave me uninstructed upon every point of business, and fill all their letters, which are volumes, with gross invectives against me, and with orders which have no object but to gratify partial favour and personal rancour, they forfeit their title to my obedience."—Hastings to Baber, Gleig, ii. 239.

ever, to reinstate Bristow on Francis' suggestion, as this would undermine his prestige abroad.[1] The arrangement was to hold good until the expiration of the present Act. No written compact was signed by the parties, Hastings asserting that he relied implicitly on Francis' honour.

News of the event ran through Calcutta, Oudh, and even the distant Presidencies : [2] but it soon appeared how inherently unreal the accommodation was. To effect a material diversion of the Maratha strength, Hastings proposed, on 12th June, to send a force, under Major Camac, to invade the territory of Mahdaji Sindhia and attack his capital. Francis and Wheler resisted the motion.[3] On this, Hastings drew up privately the instructions to Camac and submitted them to the Board on the 19th. Again Francis and Wheler refused assent. On Hastings remonstrating with them, they pleaded the low state of the Bengal treasury, urging the cessation of hostilities to relieve the distresses of the Company. Convinced of the necessity of the operations, Hastings offered to meet the expenses of the expedition. While the debates were in progress, a messenger had arrived from Chait Singh, Raja of Benares, who had shewn himself recalcitrant when before appealed to for assistance, with a peace offering of two lacs for the Governor-General. This Hastings proposed to convert to the purposes of the expedition. In a minute,[4] dated 22nd June, penned to apprise Francis of his engagements, he submitted the offer. Francis derided the proposal.[5] In growing disgust, Hastings determined to expose "the fallacy [Francis] had practised upon him", and drew up "a very strong but deliberate and temperate charge", to present on the following Council day, 3rd July.[6] Sir John Day now intervened in an effort to prevent a total rupture.[7] After

[1] It was not insisted on by Francis, as Bristow, returning from England, had delayed at Madras.

[2] See a curious letter from Sir Eyre Coote to Watson, 26th May 1780, App. IV. No. 15*b*.

[3] Forrest, Selections, ii. 693.

[4] *Ibid.* 700-2, Consults. 26th June 1780 ; Gleig, ii. 297-320. At first Hastings refused to accept the money, but gave the messenger "assurances of my forgiveness". . . . "He was on the point of returning when the debates in our Council began. It occurred to me to convert it to a public use : I gave him an opportunity of repeating the offer and accepted it, directing it to be delivered to Mr. Croftes, our sub-treasurer, and him to receive it as a deposit in my name." Hastings authorised Sulivan to make whatever use he cared of the incident, if he himself did not communicate it to the Directors, solemnly declaring that he would never reclaim the money or had any title to it. As the acceptance of presents was a breach of the Act of 1773, the incident was preferred as a charge of impeachment against Hastings, Francis declaring that the money bad never been entered into the Company's books. See Chap. VI. p. 181.

[5] Forrest, Selections, ii. 702.

[6] Gleig, ii. 304.

[7] *Ibid.* ; P. & M. II. pp. 190-2, Francis Journal.

frequent interviews and appeals on both sides, he reported to the Governor-General that Francis consented to the withdrawal of his objectionable minutes, but wished not to be concerned in the conduct of acts he could not consistently support. The minutes were accordingly withdrawn and, Francis being absent, the motion for Camac's expedition was carried.[1] On learning this, Francis declared that he had consented to the withdrawal of his minutes only on condition that Camac's expedition was confined to the district known as Gohud.[2] Day disclaimed all knowledge of any such condition, the minutes were replaced, and Hastings entered his, intended for 3rd July.[3] Not wishing to surprise Francis in Council, he enclosed it in a note to him on the evening of the 14th August.[4] In it he declared of Francis, "I do not trust to his promise of candour, convinced that he is incapable of it, and that his sole purpose and wish are to embarrass and defeat every measure which I may undertake, or which may tend even to promote the public interests, if my credit is connected with them. . . . I judge of his public conduct by my experience of his private which I have found to be void of truth and honour." In support of these allegations, he quoted the first article of the agreement, in consideration of which Barwell had been permitted to leave India.

A challenge followed from Francis.[5] Hastings accepted. The antagonists met in the early hours of Thursday, the 17th : shots were exchanged and Francis fell. He was conveyed to a house in the neighbourhood, his wound pronounced not mortal, and Hastings intimated a desire to visit him. This he declined, adding that all intercourse in future must be confined to the Council table. By 11th September he had sufficiently recovered to take his seat in Council and deliver in a reply to the challenging minute of 3rd July.[6] He solemnly declared, "I never was party to the engagement stated by Mr. Hastings, or had a thought of being bound by it" ; that he had only glanced cursorily at the "minute of memorandums", regarded by Hastings as a basis of accommodation, made certain objections and had never seen it since, and that he had only intended to assent to the prosecution of operations "actually existing on the Malabar

[1] Forrest, Selections, ii. 705-14, Consults. 13th & 20th July 1780.
[2] Gleig, ii. 297-320. See App. IV. Nos. 15, Francis to Wheler, 16th July 1780.
[3] Forrest, Selections, ii. p. 711. Entered in Consults. 20th July 1780.
[4] Gleig, ii. 297-320 ; P. & M. II. p. 197, Francis Journal, 14th Aug. 1780.
[5] See App. IV. Nos. 15.
[6] Forrest, Selections, ii. 715-17, Consults. 11th Sept. 1780. See also letter to Tilghman, 16th Aug. 1780, P. & M. II. p. 196.

Coast", which, since the campaign had begun and Goddard had already taken the field, he thought ought to be pushed on as vigorously as possible. Camac's expedition had not then been mooted, and Barwell's departure had never been made an explicit object of agreement. Bengal had been drawn at the moment into the vortex of the struggle in the Carnatic, and Hastings was engaged in planning an expedition to the south, to stay the progress of Hyder Ali ;[1] but he found time to draw up a minute, exposing the statements made by Francis and establishing that he had been a party to an agreement in which Camac's expedition was a practically accepted fact.[2] But definite or not, the arrangement could not have been viewed by the two men in the same light.[3] To Francis it was purely negative in character : to Hastings it was a positive compact for support in the conduct of the war. On the very eve of pacification, while Hastings was communicating his hopes to Sulivan of finding Francis "willing to give me his support and assistance",[4] Francis was writing to the Ministry and his friends, "when I speak of a pacification with Mr. Hastings I mean literally what I say. It is *not* union. It is *not* alliance. . . . In short, it is more like an armed truce than anything else";[5] and to Lord North, "I will use whatever influence I can obtain over the mind of Mr. Hastings, to prevent more mischief. . . . This, I declare, is my only motive for yielding to an accommodation with him. I will make peace with the Mahrattas, the moment it is in my power."[6] The Maratha campaign to him was a dishonourable undertaking —the result of wanton ambition and the offspring of a violated treaty. Peace at any price was his immediate object, and reversion to the Company's pacific policy his cardinal principle.

[1] Forrest, Selections, ii. 718-20, Consults. 25th Sept. 1780.

[2] *Ibid.* pp. 735-8, Consults. 13th Nov. 1780.

[3] "Either Francis was guilty of a gross breach of faith", says Thornton, "or Hastings of the assertion of a scandalous falsehood. The presumption on the whole lies against Francis, and his character will probably never be relieved from the imputation." Both Forrest and Gleig endorse this conclusion, while Francis' biographer naturally questions it, pointing out that "Hastings was absolutely unprincipled where his own autocracy was concerned", and "that it would be a bold conclusion to pin one's faith to his veracity in this instance", in support of which opinion he cites an instance of Hastings' unscrupulousness noticed by Thornton in his *History of India*, ii. 113. "On 29th June 1777, Hastings writes to Sullivan, 'I have now no channel to Lord North nor encouragement to write to him', yet on the very same day he writes to Lord North directly." But Hastings' remark was a statement of fact. Lord North never read correspondence addressed to him directly, and it was only through the medium of influential friends that any impression was to be made upon him. See Chap. V. p. 135.

[4] Gleig, ii. 249-51.

[5] Francis MSS. No. 40, pp. 573-703, Feb.-Mar. 1780. See App. IV. Nos. 15.

[6] *Ibid.* pp. 617-25, 2nd Mar. 1780.

The mere suggestion that his pacification with Hastings might be misconstrued by the Ministry as a sacrifice of his principles was intolerable to him, and as the campaign spread his spirit had recoiled against it.[1] To Hastings, on the other hand, the undertaking was the supreme test of Britain in India. British power must be paramount or nothing.

The open rupture between the Court and the Council which reached a crisis in 1780 had given some reality to the truce.[2] No decision on Hastings' plan of January 1776 to allay the tension between the two bodies had been reached by the home authorities, and as the years passed the evils had gathered force.[3] As vacancies had occurred in the Council the Chief Justice and Mr. Justice Chambers had applied to be appointed.[4] Hastings had countenanced Impey's application: Francis had written in support of Chambers.[5] It was urged that the presence of a representative of the Court would conduce to harmony and bring an accession of legal knowledge to the Council: but again nothing had been done by the authorities. In 1780 the conflict became so violent that the Court issued its writs, arrested and imprisoned indiscriminately, ordered the Governor-General and members of Council to answer as private individuals for the consequences of acts performed in their public capacity, and defied all attempts to remonstrate, declaring itself superior to threats; while the Council bailed the Court's prisoners, opposed with regular troops the sheriffs in the execution of their duties, and confined by armed force the jurisdiction of the Court to Calcutta. Mr. Justice Hyde, the acting justice of the peace and a man of harsh, petulant temper, possessed of the most extravagant

[1] "Notwithstanding any reports you may hear of negotiations in Calcutta, be assured that I stand firmly to my public ground and will never recede from it. *Peace may* be. It ought to be, considering the dangerous situation we are in; but *union* never can nor ever shall be."—Francis to J. Fowke, 7th Feb. 1780, Francis MSS. No. 37, p. 360. "I am weary of my situation and ashamed of it. In short, I look to my early release from this insupportable burden as to an event necessary to my honour, my safety and my peace of mind forever. The spirit of ambition is dead within me. It could not survive the hopes of doing some good, with which it was always united, and which the state we are reduced to will not suffer me to entertain."—Francis to Ironside, 21st June 1780. See App. IV. Nos. 15, and P. & M. II. pp. 190-7, Francis Journal.

[2] Gleig, ii. 255, 256; P. & M. II. pp. 174, 177, 183, 185 & 186, Francis Journal. See App. IV. No. 16.

[3] See Stephen, *Nuncomar and Impey*, ii. chaps. xi.-xiv. The Directors took counsel's opinion on the disputes, but it was not until 1781 that proceedings at home resulted in a Bill to restrain the jurisdiction of the Supreme Court.

[4] Robinson Collection, Impey to Lord Thurlow, 20th Oct. 1776, to Lord North, 20th Aug. 1777, Chambers to Robinson, Oct. 1776; P.R.O., T. 49/11, No. 36, Impey to Lord North, 19th Oct. 1776, and No. 39, Chambers to Lord North, 31st Oct. 1776.

[5] P.R.O., T. 49/14, No. 36, Francis to Lord North, 22nd Nov. 1777.

opinion of the importance of his office, issued processes which his colleagues had to maintain, while Chambers, inspired by Francis, incited the Chief Justice to an active hostility against Hastings.[1] And in the Council Hastings, associated with Francis and urged to extremities by him, determined to oppose at all costs the mischievous encroachments of the Court. Already in March 1779 a petition appealing against the tyranny of the Court had been drawn up by the Europeans in the settlement and forwarded home.[2] Although Hastings was not personally a party to it, and denounced it when informed of its nature, it was generally felt that matters could not be left to await the tardy decision of the home authorities. In September 1780 a further accommodation was attempted.

The proceedings in two famous cases—the Patna Cause and the Kasijora Cause—which had extended over some years, had revealed the necessity for the reorganisation of the Provincial Councils.[3] The civil jurisdiction exercised by these bodies was shewn to have been abused by their subordinate officers. In consequence, in April 1780 the Council had separated the judicial and revenue functions by instituting in each district a special court to deal with civil suits.[4] The new courts were presided over by an English judge, with the title of Superintendent of the Diwani Adalat, and an appeal was to lie to the Governor-General and Council, in the Court of Sadr Diwani Adalat at Calcutta. But it soon became apparent that the new arrangement had created more defects than it remedied. The new courts came into direct conflict not only with the Supreme Court but with the Sadr Diwani which, although a Court of Appeal, exercised in reality a more extensive jurisdiction. Again the procedure of both the central and the local courts, where decisions were pronounced by men who possessed little if any legal knowledge, was shewn to stand in urgent need of revision. The new accommodation proposed to invite the Chief Justice to combine the office of Chief Judge of the Sadr Diwani. In a minute,[5] submitted on the 29th September, Hastings proposed " that the Chief Justice be requested to accept of the charge and superintendency of the office of Sudder Dewanny Adawlut under its present regulations ".

[1] Gleig, ii. 256.

[2] It was known as Touchet's Petition. See Stephen, ii. chap. xiii.

[3] B.R.C., Range 50, vol. 28, pp. 756-66, Hastings' Minute on the 'Sudder Dewanny Adawlut'.

[4] *Ibid.* vol. 24, pp. 88-124 & 208. The plan was submitted 28th Mar. 1780 and adopted 11th Apr. 1780.

[5] *Ibid.* vol. 28, pp. 756-66. See Stephen, ii. chap. xv.

This would enable the new courts to act with confidence, and increase their prestige in the eyes of the natives, for " no one would dare to contest their right of acting when their proceedings are held under the sanction and immediate patronage of the first member of the Supreme Court ". It would provide these courts with a " legal instructor ", and Sir Elijah Impey was well qualified to fill the post. Moreover, while giving no accession of power to the Supreme Court as such, it would tend to draw together the Council and the Court. Impey was to receive an additional salary.[1]

The motion came up for debate on 3rd October.[2] Francis entered a lengthy minute of protest, denouncing alike the office, Impey who was chosen to fill it, and the motives which had inspired the arrangement. In the first place it was, he argued, an innovation and as such was a weighty objection in itself. In the second, it would derogate from the powers of the Council and hazard the obedience of the natives to government. The jurisdiction of the Governor-General and Council ought to be exclusive over every section of the natives who would regard the measure as a triumph of the Court over the Council, since they could not distinguish between the Chief Justice and the Supreme Court. In the third, he held, any clash of jurisdiction between the Court and the local native courts " ought to be put an end to by *our* authority ". This was sufficiently coercive over both parties. The Council ought to draw the line between them and insist on their respective submission to the limitation prescribed. Again, it was illegal for Impey to accept an offer " so inconsistent with the duties of his present station and which would preclude him from exercising the trust, reposed in him by the King, in many cases of the greatest importance ", while the delegation of judicial authority to any single person was in itself contrary to English law and might result " in such a judge, becoming in the hands of a corrupt Council, an instrument of oppression ". Wheler echoed Francis. Coote entered a minute supporting the proposition, " as a temporary expedient ". The office was accepted by Impey who referred the question of an additional salary to the home authorities.[3] So successful was the arrangement that in April 1781[4] the judges of the new local courts were further invested

[1] Proposed later, 24th Oct. 1780: carried 22nd Dec. 1780.

[2] I.O. Tracts, vol. 77, " Original Minutes on the Sudder Dewanny Adawlut ", printed by Francis, 1781.

[3] Stephen, ii. 232.

[4] B.R.C., Range 50, vol. 32, pp. 420-3, Clauses 7-10 of the General Regulations for the Administration of Civil and Criminal Justice, 6th Apr. 1781; Gleig, ii. 375, 376. The arrangement marked another step forward in Hastings' policy of centralisation. Some

with a 'faujdari' jurisdiction—the power of apprehending offenders against the public peace: but while it was reorganising the procedure of the local courts and allaying the friction between the Court and the Council, Francis was engaged in constituting it a ground of attack against both Hastings and Impey.[1]

These disputes brought the long conflict in Council between Hastings and Francis to a close. The duel marked the climax and to Francis it was the signal for departure. "All my friends here", he wrote to Lord Barrington, "consider this event as a most honourable conclusion to the contest, in which I have now been engaged for almost six years in defence of what I thought the cause and interest of the public."[2] He had fought and he had lost. Time had pronounced its verdict. The pistol imparted a touch of romance to the struggle round the Council table: and Francis had an eye for effect. This was the moment to depart. His enlightened principles were spurned: he had battled consistently for them and he had almost lost his life in a challenge to vindicate them.[3] What could commend him more to the British public? A second Act prolonging the existing arrangement another year had passed in April 1780. India was abandoned: the Directors, the Ministry,[4] all alike were faithless. Wars threatened the very existence of Britain in India.[5] Hyder had overrun the Carnatic, sweeping all before him with fire and sword.

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months later he proceeded to a similar reform in the department of revenue. The much-disliked Provincial Councils were abolished and a committee of four, consisting of Messrs. Anderson, Shore, Chartres and Croftes—all experienced revenue servants—entrusted with the task of proposing a new revenue settlement. The Committee of Revenue at the Capital, assisted by a diwan, was placed in full control of the revenue administration, and though the late chiefs of the Provincial Councils were permitted to act for a time as 'collectors' in their various districts, the zemindars and farmers were encouraged to pay their rents into the Khalsa at Calcutta. In this way it was hoped to centralise at the Capital the whole administration of the revenue. This system subsisted substantially until superseded by the reforms of Cornwallis.

[1] See Chap. V. pp. 140, 141, 145 & 149.

[2] Francis MSS. No. 39. p. 532, 9th Sept. 1780.

[3] "With respect to the origin of the quarrel, I need only tell you that Maratta war or not, was in effect the question between us; so that, if the event had been fatal to me, I should literally have fallen on public ground."—Francis to G. Horsley, 27th Sept. 1780. "If I had deserved the atrocious character attributed to me, it would rather have led me to support the Governor, and reap the fruits of my compliance, as others have done, than to have sacrificed my happiness and risqued my safety, as I have done, by opposing him on questions purely of a public nature."—Francis to Lord North, 27th Aug. 1780. See App. IV. Nos. 15.

[4] "The Minister has deceived, deserted, sacrificed and betrayed me."—Francis to Godfrey. See App. IV. Nos. 15.

[5] "Our condition, as I think, is beyond the reach of human prudence. For my own part at least I see no issue, nor do I know that man who can tell us where we are going, though none of us can help feeling that the water deepens as we advance."—Francis to A. Ross, 17th Sept. 1780. See App. IV. Nos. 17.

Baillie and his detachment had been ingloriously compelled to surrender ; Munro was a fugitive under the very gates of Fort St. George ; reports were circulating of the arrival of a huge French armament ; Madras was vacillating and helpless ; a desultory war with the Marathas was still in progress ; troubles loomed large in Oudh and Benares ; Bengal was faced with an empty treasury. " They have ruined India among them, in spite of everything I could do to save it," [1] he exclaimed, but " out of the general wreck he had preserved his honour and was possessed of a moderate fortune ".[2] Come what may, he would go home. Lord North was apprised of his intention.[3] He would quit Bengal in the course of the present season and by the first ship on which he could obtain a passage, and meanwhile he would push Hastings to the last extremity. He vigorously resisted every motion proposed to facilitate operations in the Carnatic, protested against the despatch of reinforcements, objected to the replenishing of the Madras treasury, and redoubled entreaties for an immediate peace.[4] Rumours of his approaching departure began to circulate.[5] The Company's servants betted on the event. Congratulations poured in upon Hastings—they came from the Doab and Rohilkand, Oudh and Benares, Madras and Bombay, from almost every corner of India.[6] Report jocularly announced the ' abdication ' of this erstwhile ' fifth part of a king ', and hailed Hastings victor of a protracted conflict. Those who had remained staunch to the Governor-General prided themselves on their foresight : antagonists trembled for their interest and hastened to cover up their tracks : wise men counselled the necessity of sending an agent to England to keep " the great man out of mischief ".[7]

As the time for his departure drew near he despatched a series of violent letters to the authorities and his friends.[8] That to the Court of Directors was the outburst of a bitterly disappointed man. He was leaving the scene of conflict, but he did not mean to abandon the struggle. He was going to educate public opinion at home and to educate it as only he knew how.

[1] Francis to J. Bourke, 9th Oct. 1780. See App. IV. Nos. 17.

[2] Francis to Robert Adair, 9th Oct. 1780, Francis MSS. No. 37, p. 565.

[3] Letter to Lord North, 27th Aug. 1780.

[4] Forrest, Selections, ii. 721-3. See App. IV. Nos. 17.

[5] " The expectation of my departure has turned the heads of many people."—Francis to Collings, 2nd Nov. 1780. See App. IV. Nos. 17.

[6] B.M. Add. MS. 29146, Letters to Hastings, Oct.-Nov. 1780.

[7] *Ibid.*, Scott's correspondence, Oct. 1780; Add. MS. 29209, James Grant's Survey of the Situation, 1780.

[8] Francis MSS. No. 37, Letters to Welbore Ellis, D'Oyly, Barrington, etc., 13th Oct. 1780. See App. IV. Nos. 17.

This was the new hope that animated him. The British Empire in India was tottering to its fall and the British public was supremely indifferent. It was astonishing how the Court of Directors had succeeded in suppressing such facts and representations as he had sent home. He would cut short this " supineness and stupidity ". Conscious of defeat, he sought to communicate the fatality which haunted him to his adherents and dependents in the service. " Be assured ", he wrote them, " the house is on fire, and I really think the mischief will begin in Oude ", and " we are on the eve of some great calamity, in the consequences of which both the guilty and the innocent will probably be involved together ". " The moment I shall have made my exit," he asserted, " enter desolation." [1] He thought he read triumph on the faces of his opponents and was " worried out of his senses ".[2] " To be a *chef de Parti* and not to succeed is everything that can be called damnable," he confided to Collings. At the eleventh hour he almost desired to turn back. If Wheler would agree to unite with him in a definite compact, " first to attack Hastings horse and foot, throwing away the scabbard and neither to give or to take quarter ", he would stay and try again to redeem his principles : but Wheler shewed no enthusiasm.[3] On the contrary, he appeared desirous of a union with Hastings to assist in the prosecution of measures to retrieve the national honour. He therefore abandoned the project. Wheler had now no call for his consideration. Bristow was clamouring for his post at Lucknow; he had no influence to satisfy him. Fowke had become his avowed enemy, dissatisfied with what he had done for him. " Such were the fruits of taking Clavering's friends on his back and struggling to his utmost to serve them." [4] No one had any claims upon him : there was no point in protracting his stay. He reserved his passage on the *Fox* and sailed for England on 3rd December 1780.

[1] P. & M. II. p. 202, Francis Journal, 2nd Nov. 1780. See App. IV. Nos. 17.
[2] Letter to Collings, 2nd Nov. 1780. See App. IV. Nos. 17.
[3] P. & M. II. p. 199.
[4] *Ibid.* p. 201.

CHAPTER V

FRANCIS IN ENGLAND

§ 1. Return ; Preparation for the Attack

After an unusually protracted voyage, occupied in drawing up a 'Memorial'[1] to the Court of Directors, Francis arrived in England on 19th October 1781—the seventh anniversary of his landing at Calcutta. He had set out confident of fame and fortune : he was returning to avenge a lost cause. Poignantly conscious of the fact, he reviewed his situation. While in India he had worked assiduously to gain the Ministry, the Opposition and, with less success, the Court of Directors : he had purchased land to secure a seat in Parliament and invested in India stock to procure two votes at the India House.[2] Master of the pen, with powers unexcelled for intrigue and with all the unscrupulousness of a Borgia, he was not ill-equipped for the challenge. Capable, moreover, of a concentration equalled only by his rival, he possessed a clearer comprehension of the arts by which men are swayed with a nicer estimation of his own skill. "Logic may convince," he had once written to Burke, "but we want an animated reason to make men feel." This he knew just where to find, and, more important still, how to enlist in his service. No sooner had he determined upon quitting India than he had set the machinery of destruction in motion.[3] The manipulation of the anonymous press was the sharpest, deadliest weapon in his possession, and he worked it with unparalleled success.

The England to which he returned in 1781 was politically distraught, faced with a crisis in the American War and an

[1] Robinson Collection. See p. 139.

[2] Francis MSS. No. 39, Francis to Chandler, 5th Feb. 1778.

[3] "Major Baggs sets out this day for England, well instructed."—Francis Journal, 3rd Jan. 1780, P. & M. II. p. 180. See App. V. Nos. 1, Major Baggs' Instructions and Letters of Introduction.

incompetent Ministry which would fain shelve the problems of India. Robinson relieved Lord North of what India business required attention.[1] The depositary of the mysterious 'livre rouge', the record of the friends and foes of government,[2] it fell to him to manage the India House as it fell to him to manage the House of Commons. Ably assisted by Jenkinson and Atkinson, he had converted the Court of Directors into the ready instrument of the Minister.[3] Here the negotiations on the expiry of the Act of 1773 had brought to the fore Hastings' friends.[4] On the news in March 1778 of Clavering's death they had presumed to approach Lord North directly, since the professed object of his hostility to the Governor-General was no more; but the Minister at first proved adamant. The little he knew of India affairs had been conveyed to him through prejudiced channels. Private correspondence he had no time to follow,[5] while the 'précis of intelligence',[6] submitted to Robinson by the Directors, "for the information of Lord North", contained mainly such extracts as justified the Majority. These were further abstracted by Robinson and Grey Cooper,[7] until all that remained was a record of protest and invective. From this one fact alone appeared clear to Lord North. The men whom he had sent to assist in governing Bengal had boldly denounced their Governor-General, questioned his integrity, demonstrated the corruption of his administration, and had been upheld in their conclusions by the party he wished to conciliate. On the strength of this, he had repeatedly attempted to secure the recall of Hastings. To countenance him now would be to invite a charge of inconsistency. He took refuge in silence; but Hastings' friends persisted. The negotiations then in progress between Robinson and 'The Chairs' involved certain ministerial proposals[8] which North was anxious to carry. Their support of these in the General Courts, where they formed a powerful body, would depend on the Minister's attitude to the Governor-

[1] Robinson Collection, North-Robinson Correspondence.

[2] *Ibid.*, Robinson to Lord North, 31st Jan. 1784; Wraxall's Memoirs, i. 429.

[3] Robinson Collection, Correspondence with Jenkinson and Atkinson; Wraxall, i. 415 & iii. 433.

[4] Pechell to Robinson, 23rd May 1779. See App. V. Nos. 2; Gleig, ii. 341, Pechell to Hastings, 13th May 1779.

[5] Robinson Collection. Many of the India letters addressed to Lord North remain unopened, the seals unbroken to this day.

[6] Extant in the Robinson Collection.

[7] Sir Grey Cooper, North's business secretary, was related to General Clavering.—Gleig, ii. 341, Pechell to Hastings.

[8] The rough drafts of the 'Propositions' are extant in the Robinson Collection.

General. This proved effective. Although the proposals proved abortive and all that was done was to renew the Act for another year, North consented to suspend all appearance of hostility towards Hastings, while Robinson and his agents exerted the influence of government to procure seats in the Direction for his friends.[1] Sulivan came in again at their head. They were, however, only a party in a Direction on the whole hostile to the Governor-General, while the distressing intelligence constantly circulated by Francis tended to poison public opinion.

Early in 1779 his representations on the Maratha War, published broadcast by his agent Goring, spread the story that the detachment under Leslie had been surrounded, the greater part of it destroyed and the remainder obliged to surrender to the Marathas.[2] The incident was compared to the misfortune at Saratoga; Hastings' instructions to Elliot were condemned and an inquiry was demanded.[3] In the same way Hastings' refusal to reinstate Fowke had been magnified into a eriminal offence. Only the influence of his party in the Direction, coupled with North's well-known indolence, saved him from instant dismission, and then the news of Goddard's success turned opinion in his favour. Encouraged by the change of events, several gentlemen from Bengal, in particular Edward Baber and Joseph Price, who had returned in October 1780, waited on Lord North to secure his approval of Hastings' policy ;[4] friends in the Direction drew up more detailed and correct statements of intelligence ;[5] the Minister's prejudices were almost dispelled when Francis' protests against the conduct and expense of the Maratha War again deflected the current. The assertion that Hastings' ambition for dominion had exhausted the Bengal treasury and endangered the Company's investment roused the Directors. A day was appointed for taking the subject into consideration. 2nd January 1781 was fixed.[6] Before the court could meet, printed copies of a pamphlet entitled " A State of the British Authority in Bengal, under the Government of Mr. Hastings : exemplified in the principles and conduct of the Mahratta War and his negotiations with

[1] J. Macpherson to Robinson, 5th Feb. & 15th Apr. 1780, Robinson Collection.

[2] Francis MSS. No. 49, Goring to Francis, Dec. 1778. Published Jan. 1779; Gleig, ii. 341. See App. IV. Nos. 13, 15 & 17.

[3] Gleig, ii. 341, Pechell to Hastings.

[4] B.M. Add. MS. 29146, Baber to Hastings, 6th Oct.-23rd Dec. 1780, J. Price to Hastings, 12th Oct. 1780. See App. V. Nos. 3.

[5] Robinson Collection, ' Précis ', dated Oct. 1780.

[6] I.O. Tracts, vol. 175, 1781, Introduction. See App. V. No. 3c.

Moodajee Boosla, Raja of Berar" was sent to each member.[1] It comprised a series of extracts from the Bengal Consultations, with an introductory note by the editor, explaining the aim of the publication. It was "to exhibit an example of the *Usurpation* of the Company's servants, of that *Spirit of Disobedience*, I had almost said *Rebellion*, which, while it threatens our affairs in India with instant ruin, holds forth a solecism in politics and is a mockery of every idea of Government and legal authority". It formed the sequel to a pamphlet[2] which had appeared some months earlier, distributed "to exemplify the character of Mr. Hastings' Government in the case of Mahomed Reza Cawn and the arrangements for the Internal Government of Bengal". This roundly denounced Hastings' system of internal administration, attributed to him the vilest motives of corruption, and demonstrated "the contempt with which he uniformly received the commands of the Court of Directors". The sequel "produced him on the scene in his career of conquest", challenged his conduct of the Maratha War, asserted that he had "the same maxims for the field as for the Cabinet", and that "he was alike happy in bearing away the palm of civil and military disobedience". The Directors, it was shewn, "had long been acquainted with the true complexion of this Governor's principles", but while they had repeatedly branded his conduct as "indiscreet, presumptuous, unwarrantable and illegal", they had been content to continue him with impunity in his station. Such evasive conduct could but expose them to the basest suspicions which it lay within the power of the present meeting to repudiate. Anonymous and addressed to the Court of Directors, it was immediately printed for the information of the public. It was published by Woodfall and the authorship popularly assigned to Francis; it was in fact an expansion of his letter to the Directors of 12th October 1780.[3]

His plan of campaign was subtle: to present India affairs in such a light as to rouse public indignation; by attributing all evils to the personal ambition of Hastings and to his disregard of the Directors' orders, to incite that body to secure his recall or expose themselves to the imputation of conniving at such disobedience, and to demonstrate the incompetence of the Company by enlarging on their incapacity to restrain their own servants.

The pamphlet had the desired effect. An outcry was raised

[1] I.O. Tracts, vol. 175. There is a copy also in the B.M.
[2] *Ibid.* vol. 174, 1780.
[3] See Apps. IV. Nos. 17, & V. Nos. 1.

for an inquiry. The news of Hyder's descent on the Carnatic, and the fact that the pamphlet traced the origin of the confederacy to Hastings' instructions to Elliot, increased the clamour.[1] The Directors, indignant at the reflections cast upon themselves, were still more indignant at the delinquent. It was their business to defeat all attempts at inquiry into the Company's affairs, but they were not prepared to have it said that they were shielding Hastings. In April 1781 a Secret Committee was appointed to inquire into the causes of the war in the Carnatic.[2] This had been preceded by the appointment on 12th February 1781 of a Select Committee to inquire into the administration of justice in India.[3] This, too, owed in part its inception to the activity of Francis. The Majority's representations against the Supreme Court had produced in the Direction an agitation for an inquiry as early as 1775,[4] when it was sought to secure an abridgment of the Court's powers. Counsel were consulted and Robinson in his letter to the Majority of November 1776 [5] had promised the appointment of a committee to consider the subject. Matters, however, remained in abeyance until, on receipt of the Petitions of 1779 [6] from the Company's servants, a Select Committee was appointed.

Thus Francis found two Committees of Inquiry on India affairs, both of which he had been instrumental in inspiring, a distressed Ministry, the Directors divided between Hastings' friends and his avowed opponents, anonymous publications [7] circulating, and the authorities inundated with plans [8] for the government of British India which was becoming in fact a popular topic.

[1] Gleig, ii. 346, Pechell to Hastings, 27th Nov. 1781.

[2] Parl. Hist. xxii. p. 138. The inquiry related also to the financial distresses of the Nawab of Arcot, the quarrels over his assignment with Thomas Rumbold, who had succeeded Lord Pigot as President of the Madras Council, and against whom there was an indictment for corruption.

[3] *Ibid.* xxi. pp. 1182-1207.

[4] B.M. Add. MS. 29136, Sulivan to Hastings, Dec. 1775.

[5] See App. IV. Nos. 5.

[6] Parl. Hist. xxi. pp. 1162-81. There were two petitions—one from the Governor-General and Council, and the other from "the British subjects resident in Bengal, Behar and Orissa", and commonly known as Touchet's Petition.

[7] Francis declared Hastings had the press in his pay "for a year past".—P. & M. II. p. 215.

[8] The Robinson Collection contains many plans—from Adam Ferguson, Sulivan, Macintosh among others—submitted to Robinson about this time.

§ 2. Francis and the Direction; Captures the Opposition and the Secret and Select Committees

On 19th October Francis landed at Dover: [1] on the 20th he was in London, had written to the Court of Directors informing them of his arrival and called on Sulivan, the Chairman, at his house in Queen Square. Finding him absent, he called on the deputy Chairman, with no better success. A fortnight passed. The Court's secretary acknowledged his note but the India House shewed no sign of life. On 12th November he called again upon Sulivan and, failing to find him, left a written message requesting an interview. Sulivan answered in person the following morning. Francis complained to him of the Court's silence. Sulivan replied that the letter of 12th October, which had been printed and circulated in all the newspapers, made it impossible for the Court to receive him with public marks of approbation. Francis retorted that he was prepared to make good the charges. Sulivan answered coldly that the Court would take no further notice of it. Nothing was said of the contest in Bengal. When the interview terminated Francis requested Sulivan to deliver a message for him to the Court. Sulivan refused a verbal message and desired him to write. Accordingly he wrote.

When the Directors met a discussion arose as to the propriety of receiving him. Sulivan pointed out that no such mark of attention had been shewn Barwell. At length Gregory moved " that Mr. Francis was upon the same footing as any other person, who, from his rank and service, was competent to give information concerning the Company ".[2] The secretary was instructed to inform him that the Directors had requested ' The Chairs ' to receive from him any information he had to offer on the state of the Company's affairs. He attended on 19th November and delivered in an abstract of the ' Memorial ' [3] he had drawn up during the voyage. Like all his productions, it presented everything in the worst light, threw the whole blame for the war on Hastings, declared that " peace was not within sight ", that even if it did come the Company's investment would be suspended

[1] For an account of Francis' movements on his arrival, see: (*a*) 1st Report from the Select Committee, 1782, p. 22, Francis' examination; (*b*) A letter to Edmund Burke (anonymous, but presumably from Scott), dated Apr. 1782; (*c*) P. & M. II. p. 212, Francis to Sir John Day, 24th Nov. 1781; and (*d*) Gleig, ii. 346-50.

[2] *Ibid.*, 1st Report from the Select Committee, 1782. App. VI.

[3] 1st Report from the Select Committee, 1782. App. VII. See also Scott's refutation in " A Letter to Edmund Burke ", June 1782.

forever, that the administration of justice in Bengal had reached the nadir of incompetence and corruption and that, by the arrangement of October 1780, Hastings was attempting to bribe Impey into silence with the colossal sum of 5600 sicca rupees. Oudh was "irrecoverably ruined", the subordinate Presidencies all but obliterated, the supposed allies of the Company really in a treacherous alliance against them, and disaster inevitable unless Hastings could be removed to pave the way for peace.

The Hastings party [1] in the Direction declined to accept these statements. There was enough material in the Bengal despatches to give them the lie, and at the instance of Pechell they instructed Samuel Wilks to prepare a refutation. The hostile Directors, however, headed by General Smith, Chairman of the Secret Committee, prepared to follow Francis. Thus, though cold-shouldered on arrival and galled by the nature of his reception, he had succeeded, before many weeks were out, in capturing a section of the Directors.

He boasted that he was well received by both the King and Lord North. "They say it was distinguished", he wrote to Sir John Day.[2] So eager an advocate for the extension of Crown influence could not but be courteously received by the Ministry: but he was soon to find that he had exaggerated the warmth of their welcome. Late in November came news of the surrender at Yorktown. The Ministry, dejected and alarmed, were anxious to find something to counteract the disaster and turned to the East. Robinson sent for Sulivan, avowed this to be their design, pointed out that Francis' representations made "the state of India appear very differently from what was necessary for a counterpoise", confessed that not a paper on India had been read, time pressed, what was to be done? Sulivan summoned Wilks and despatched him to Robinson with a list of letters, papers and statements.[3] North entered, "not knowing which way to turn and almost in despair". Robinson shewed him Wilks' abstract. Wilks explained. The Minister brightened. He thanked Wilks and Sulivan for their assistance, Robinson adding, "it was an obligation never to be forgotten". Hastings' friends were elated. North must now openly support him. India, the object of invective and denunciation, had become a subject for praise. The Ministry had no use for Francis' shibboleths. A whole galaxy of

[1] Headed by Pechell, Sulivan, Caillaud, Sykes.—Gleig, ii. 346-50.

[2] P. & M. II. p. 212. Fortescue (v., No. 3431) publishes a very interesting letter from North to George III. about the reception of Francis.

[3] Gleig, ii. 351-3; Wilks' digest is extant in the Robinson Collection.

noble lords vied with one another in singing Hastings' praises. The Archbishop of York, Lord Mansfield, Lord Stormont, the Earl of Sandwich, Lord Thurlow were heard to declare that " in the ticklish state of the Company's affairs " he alone was capable of managing them to advantage.[1] His friends were now anxious to retain a Ministry which before had shewn itself hostile. But even if the Ministry fell, they had little to fear : the Opposition had been friendly in the past. Lord Shelburne,[2] who was suspected of intriguing for office, openly declared his partiality for Hastings. Francis, however, was not to be daunted. Disappointed in his hopes of the Ministry, he turned to the Opposition and the Committees of Inquiry.[3] In the Opposition camp he had a staunch and influential supporter in Edmund Burke whose warm sympathy he had enlisted for the downtrodden masses of India. Burke had undertaken the drawing up of the Select Committee's reports and Francis' aid was invaluable.

To create the atmosphere for the more ready reception of his views, he had resort to the anonymous press. Within a few weeks of his arrival anonymous publications were appearing regularly in the daily and weekly papers, together with a series of pamphlets anonymous and fathered upon others.[4] These were printed by Almon and Debrett, well known to be patronised by Francis. To attract the notice of the Select Committee there appeared a pamphlet entitled " An extract from an original letter from Calcutta, relative to the Administration of Justice by Sir Elijah Impey ".[5] An introductory note pointed out that " it contained many pointed, judicious reflections, which it would be injurious to the public to suppress at a time when the question was coming under the immediate review and consideration of Parliament ". The extract itself dealt with the Nuncomar case, denounced the Judges, in particular Impey, excepted Sir Robert Chambers, a partisan of Francis, and for the rest discussed the quarrel between the Court and Council, advocating the adoption of the system proposed by Francis. This was followed by the publication in pamphlet form of " An Authentic Copy of the original Minutes of

[1] Gleig, ii. 348.

[2] " You are partial to Hastings, so in truth am I," remarked Shelburne to Pechell.—Gleig, ii. 352.

[3] P. & M. II. pp. 212-16 ; Gleig, ii. 481-9, Scott's letter to Hastings of 26th June 1782 reviewing events ; Reports from the Select Committee, 1782.

[4] B.M. Collection of East India Tracts, 1781 ; I.O. Tracts, 1780–6 ; P. & M. II. pp. 205, 206.

[5] B.M. Tracts, No. 195. It was said to have been written by " a gentleman in Calcutta to a person in station in England on 1st Dec. 1780 and received in London on 27th Oct. 1781 ".

the Governor-General and Council . . . on the Appointment (recommended by Mr. Hastings and carried October 1780) of Sir E. Impey to be Judge of the Sudder Diwani Adawlut ".[1] The Select Committee, it declared, had omitted to consult these proceedings and their report was therefore so far defective, especially as the circumstances of Hastings' proposition to give Impey a salary of 5600 sicca rupees deserved investigation.

The Select Committee seized on the case. Interviews followed rapidly between Burke and Francis.[2] Francis was the chief witness.[3] The Directors and the House of Commons denounced the arrangement as a flagrant job.[4] Francis revived. " Nuncomar is returned," he wrote to Sir John Day, " and, like Caesar's ghost with Ate by his side is now raging for revenge." [5] " Except Mr. Dunning," he assured Sir Robert Chambers, " the Supreme Court have not a friend or approver even in Westminster Hall. The Chancellor will either give up or certainly not defend Impey. He is a condemned man. There is no power that either can or is inclined to save him, from public disgrace at the least."

Success whetted his appetite. He was determined that " the inquiries in Parliament should not stop with Sir Thomas Rumbold and the Judges ".[6] " If there be faith in men," he wrote to Chambers, " these inquiries will go to everything done in Bengal and at Bombay, as well as on the coast ; and if there be justice on earth, some criminals will be punished."

For Henry Dundas, who was presiding over the Secret Committee, he drew up a comprehensive " plan of inquiry ",[7] under four separate heads—political, civil, military and commercial. The plan suggested in detail the lines to be followed. Inquiry was to be made, " on what principles, if any, the Company ruled. Did the Directors enforce their own orders or punish the breach of them ? Had they themselves always adhered to or ever departed from their own professed principles ? " The conclusions to be drawn, as well as the line of inquiry, were settled. Hastings' internal and foreign policies were condemned and the system to be adopted, if it were meant to save India, outlined. This was

[1] I.O. Tracts, vol. 77.

[2] " May I beg the favour of seeing you as soon as you can with convenience this morning. I wish to talk the plan over with you, in order to settle something about the line of examination. I have read the papers ; but cannot enter into them in a manner as intelligent as I could wish to do without your interpretation."—Burke to Francis, 12th Mar. 1782, Francis MSS. No. 62, f. 2.

[3] 1st Report from the Select Committee, 1782, pp. 15-31.

[4] *Ibid.* and Parl. Hist. xxii. p. 1313.

[5] P. & M. II. p. 212.

[6] *Ibid.* p. 213.

[7] I.O. Tracts, vol. 82, p. 85.

Dundas' first lesson in India politics and the origin of his hostility to Hastings.

A review of every act of Hastings' administration was given to the public in pamphlet form. Of these, the "Account of Mr. Hastings' Resignation in 1775"[1] is noteworthy. It dealt at length with the circumstances attending the resignation affair, cast the most sordid reflections upon both Hastings and the Directors, subjoined Hastings' letter of August 1777 to the Court of Directors and inserted a lengthy preface, in which the author "deprecated the weakness of those people who were objecting to the strictures that had lately appeared on Mr. Hastings on the ground that they were personal". He did not agree "with a policy which condemned the treason and suffered the traitor to escape". In the case of Mr. Hastings, "it was impossible to separate the person from the politics of the governor", for "he had ruled the affairs of India by his absolute will, in contempt and defiance of all legal control". Ex-Company servants and immediate friends were urged into the work of manipulating the press.[2] Prominent among these were Macintosh, Charles Goring and his cousin, Major Philip Baggs. "A History of Indian Administration",[3] in the *Intrepid Magazine*, only one number of which appeared, and "The Travels in Europe, Asia and America, etc., . . . delineating in particular, a new system for the government and improvement of the British Settlements in the East Indies, begun in the year 1777 and finishcd in 1781",[4] was ascribed to Macintosh. Some denied the latter's existence and assigned the authorship to Francis himself.[5] The copy of an entry into Francis' cash book published by his biographer[6] shews that Macintosh was subsidised by Francis, while the Robinson Collection contains a letter from Macintosh to Lord North,[7] with a plan on India administration, epitomising the system advocated

[1] B.M. Tracts, No. 583, p. 10. Printed 1781.

[2] P. & M. II. p. 206; I.O. Tracts, 1779–86; B.M. India Tracts, 1781–3.

[3] B.M. East India Tracts, 1781.

[4] *Ibid.* No. 1045, p. 6.

[5] B.M. 959, c. 35; 'Observations on the above', by J. Price, 1783, I.O. Tracts, vol. 53.

[6] P. & M. II. p. 206.

[7] William Macintosh to Lord North, dated 2nd Aug. 1781. After attempting unsuccessfully to obtain access to his Lordship through the recommendation of Sir Herbert Macintosh, he writes to desire an interview, and "declares his own knowledge of the politics of Hindostan, the state of the affairs of the East India Company are not vain and arrogant, but founded in actual facts and the result of experience, information and observation". He encloses "a plan for constituting a Comptrolling Power on the part of Government over the provision of the Company's investments and application of their revenues in India", dated 26th July 1781. Macintosh left for India in 1777 with a letter of recommendation from Sulivan to Hastings, dated 20th Oct. 1777; he was a particular friend of Col. Maclcane. —B.M. Add. MS. 29139, p. 248.

by Francis. Macintosh, in fact, left India in January 1780 carrying strong letters of introduction from Francis to Sir G. Wombwell, Rumbold, Godfrey, General Fraser, Mrs. Francis and Baggs, who sailed at the same time.[1] "Mr. Macintosh", writes Francis to Baggs on 25th January 1780, "goes home in the *Ganges*. He has possessed himself of a great deal of information and I believe will be of service to me in England. You cannot do better than converse with him as much as you can on every Thing that concerns this Country. He understands characters here perfectly, and has got some insight into mysteries." Yet Francis denied with characteristic vehemence that he had either employed or authorised Macintosh "directly or indirectly, to say or to do anything for me, or on any account in England", but admitted that he "approved and applauded his skill in what he thinks a good cause".[2]

Thus Francis had succeeded in capturing the press, a section in the Direction, the Managers of the Secret and Select Committees, and generally in exciting public opinion, when on 17th December 1781, Major Scott,[3] despatched to England as Hastings' official agent, arrived in London.

§ 3. Enter Major Scott

Scott came supplied with masses of material on India affairs. Aware of the libels Francis would circulate, Hastings had instructed his agent to publish refutations, together with a more authentic narrative of the late events in the East.[4] His appearance added new zest to the campaign. He was graciously received by the King and Lord North, attributed their welcome to the determination of the Ministry to support Hastings, and, encouraged by the host of noble lords who professed friendship for the Governor-General, made light of the insinuations and innuendoes flying about, felt convinced that a plain statement of fact from his pen would silence calumny, and that once he exposed in the press the true character of Francis, the Opposition and the India

[1] See App. V. Nos. 1. These letters (Francis MSS. No. 40) seem to have escaped the notice of Francis' biographer.

[2] P. & M. II. p. 206, Francis to Wheler, 18th Jan. 1782.

[3] Gleig, ii. 481. Later Major Scott-Waring.

[4] Hastings furnished Scott regularly with a detailed account of every transaction, great or small, of his government. See Gleig, ii. 356-90, letter to Scott, dated 28th Apr. 1781, and B.M. Add. MS. 29146, Scott's correspondence with Hastings, when arrangements were made for Scott's mission to England, during Hastings' visit to Lucknow. Scott was liberally paid by Hastings, a fact Francis hastened to make public.

House would withdraw their support of him.[1] He wrote to assure Hastings that all was well; that Francis' performances were held in the greatest contempt, and that his refutations had already succeeded in correcting the balance, " in dispersing calumny like fog before the sun ". Francis was cold-shouldered by all the best in the land; Burke was a madman who raved like a ' Bedlamite ' and whom nobody regarded, and while the Ministry and the Court of Proprietors stood by Hastings he was invulnerable.

But Francis was first in the field, fighting with invincible weapons. Cold facts, retailed in imitation [2] of the assertions they sought to refute, were powerless to counteract his terse sensational statements. Scott became a new target for his derisive invective. " Rien de plus heureux ", he wrote to Ducarel, " que l'arrivée de ce garçon. De la façon dont il s'est annoncé d'abord, il paroissoit tomber des nues exprès pour rendre témoinage sans réplique contre la conduite de ceux qu'il représente." [3] A well-known writer called Scott a " block of stupidity ". Francis' opinion was as complimentary. " Il faut avouer qu'il n'est pas le premier des hommes, et encore moins un second Macleane," he remarked of him in the same letter. Scott sought to manipulate the press and beat Francis at his own game; while Francis actively assisted Touchet in collecting materials for his report on justice,[4] worked hard to demolish Impey and the Supreme Court and incited General Smith to hasten his report on Sir Elijah Impey's case. " You will be delighted ", he wrote to Ducarel, " to read my examination before the Select Committee and still more, that of Mr. Shakespeare. Between us 23 [Impey] and 31 [Barwell] are fairly made as black as the devil." [5]

On 5th February 1782 General Smith presented the First Report of the Select Committee. Hastings was not spared. The House of Commons, incited by Burke, joined him in denouncing the arrangement of October 1780. A cry was raised for the recall of Impey.[6] Scott, taking up the cudgels in Hastings'

[1] Gleig, ii. 481, Scott to Hastings, 26th June 1782.

[2] Scott aspired to emulate Francis in his " Letters to Burke and Francis ".

[3] P. & M. II. p. 214.

[4] Touchet's Report was published Dec. 1781: his Inquiry was independent of the Select Committee, but his report was absorbed into it.

[5] P. & M. II. p. 214, 17th Jan. 1782; 1st Report from Select Committee, 1782, pp. 15-31. " I have read the several Reports of the two Indian Committees, and never felt myself more interested and entertained, than by that which respects the Chief Justice's acceptance of the Sudder Adawlut, the arranging the matter, and dressing that subject, so as to hold it out to the public eye, in the form and colour it now wears, shews, in every part, the Hand of the Master " (*i.e.* of Francis).—Day to Francis, 25th Nov. 1783, Francis MSS. No. 53.

[6] Parl. Hist. xxii. p. 1411.

defence, wrote an open letter to Burke.[1] He accused him with General Smith of being actuated by malice and a victim of the malevolence of Francis whose character and transactions in Bengal he proceeded to expose. He was, he asserted, out to destroy Hastings, the Court of Directors and the power of the Company in India, and that, " not content with taking every opportunity for six years together of crowding the India House with continual fallacious accounts of the dismal situation of the Company's affairs abroad, furnishing his agents here with myriads of lying squibs for the daily papers and overloading with pamphlets that common sink of filth and fiction the shop of Almon and Debrett in Piccadilly, but has had the temerity and good fortune, which you please, to have his crude absurdities held up to national view in the sacred records of Parliament ". Headed by Sulivan, Hastings' partisans in the Direction waited upon North with a statement of the case from Hastings' point of view ; [2] but North, though expressing satisfaction of the purity of Hastings' motives, was too weak and indolent to come forward in his defence.[3] Disgusted with these manœuvres, Francis wrote in exasperation to Ducarel, " The Court of Directors is devoted to 17 [Hastings] and I am in great hopes will go to the devil with him ".[4] At the next election he would have to get Sulivan out of the Direction and keep him out.

With the Committees of Inquiry he was supreme. Swayed by him, they summoned as witnesses all those who had returned from India with a grudge against the Governor-General. Charles Goring, whom the Majority had employed to secure Muhammad Riza Khan, and C. W. B. Rous,[5] another staunch adherent, were the principal witnesses when the Naib's case came up for discussion.[6] Burke and Francis, often at the former's house, prepared the witnesses for their examination before the Committee. " Could you prevail on Mr. Harwood "—an ex-revenue servant—" to come with you. . . . Quarter of an hour's discourse might save him much trouble in his examination," [7] writes Burke to Francis.

[1] I.O. Tracts, vol. 54, 1st Letter to Edmund Burke, 8th Apr. 1782.

[2] Robinson Collection, Précis presented by Sulivan.

[3] Gleig, ii. 481, Scott to Hastings.

[4] P. & M. II. p. 214.

[5] C. W. B. Rous, an ex-chief of the Dacca Provincial Council, was a member of the Select Committee, and with Francis, one of the principal witnesses on matters of revenue and justice.—6th Report from Select Committee, pp. 18-21.

[6] 5th, 6th & 11th Reports from the Select Committee, App. F, 1782-3.

[7] P. & M. II. p. 217, 8th Feb. 1783 : William Harwood was Chief at Dinagepore, 1775–80. See his evidence, 6th Report, Select Committee, pp. 14-16. " I give you many thanks for your kind remembrance of me. I shall want you very much. I have undertaken a vast task ; but with your assistance I may get through it. I mean to speak my own sense

The inquiries were, in fact, "the greatest farce ever perpetrated by a public body". "Everything", said Francis himself, "that could be done by one human creature to support a cause, has been done by me from the day of my arrival in England. It cannot be very long before I see the final effect of my endeavours."[1] His only fear was that "Robinson might be at his old game with Sulivan and that North would be drawn in to support Hastings". But a new situation now arose.

The Committees were still engaged in recording manufactured evidence; Scott, with the assistance of Halhed,[2] was courageously attempting to refute calumny, and succeeding only in involving the issue more deeply in the mire of contest, when on 20th March 1782 North's Ministry fell and the Rockingham-Shelburne Ministry came into office.

§ 4. Francis and the Rockingham-Shelburne Ministry

Rockingham and Shelburne had formerly supported Hastings. In 1776 they had openly resisted the Minister's intrigue in the Direction to secure his resignation. Impatient of North's irresolute conduct, his friends now hoped something would be done officially to support him. Dunning, created Lord Ashburton, the friend of Impey, was known to be friendly. But appearances were deceptive. It is a historical fact that Rockingham was entirely swayed by Burke, without whom the Ministry could scarcely have survived a day. Burke threatened to resign office, as Paymaster of the Forces, if active measures were not pursued against Hastings. Alarmed for their party, the Ministers could not "imperil the interests of the nation" —break up the Government—by supporting the Governor-General.[3] When an election of Directors came round in April, the whole weight of the Ministry was thrown in against Hastings'

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very fully and very plainly—to a certain point. Whether I shall be able to carry the Committee along with me so far, I know not. I shall certainly find very great difficulties with some of them. Whenever it suits yourself we shall be exceedingly happy to see you. Be so good to bring all your publications with you."—Burke to Francis, 29th Dec. 1782. "Sir Gilbert Elliot will breakfast with me here before ten. Pray let us see you. We shall want your able assistance."—Burke to Francis, 23rd Oct. 1783, Francis MSS. No. 62, f. 3 & f. 6.

[1] P. & M. II. p. 216.

[2] *E.g.* I.O. Tracts, vol. 56, p. 73, "A Hint upon the Present Debates on India Affairs", 1782. The pamphlets signed 'Detector' were written by N. B. Halhed who was the author of a "Bengal Grammar" compiled at Hastings' request, and was deemed, Scott said, "the first political writer of the age".

[3] Gleig, ii. 481, Scott to Hastings, 26th June 1782.

friends.[1] The Direction was now violently hostile and, with an equally hostile Cabinet and Legislature, Francis was all-powerful.

He published at his own expense and in pamphlet form his various plans, letters and minutes on India administration.[2] The problems of revenue settlement, justice and foreign policy were re-agitated to educate public opinion : his own and Hastings' views were given side by side, concisely expressed and logically demonstrated. Burke, Dundas and Fox joined him in demanding a new system of government for India,[3] Burke because he was convinced of the need for a more equitable system, Dundas and Fox because a new arrangement would strengthen a Ministry weak in many respects.

In March the Select Committee brought up the Ninth and Eleventh Reports. These were written by Burke with the assistance of Francis who claimed to have corrected the whole. "As to the Ninth Report," he says in a letter to Chambers on 27th April 1791, "which is indeed a masterpiece of human wisdom, the fact is that I wrote a very small part of it, and as to the composition corrected the whole. On memory only and speaking without book, I think I can say with truth that there is not one material principle or deduction in it which may not be fairly and honestly traced back to some antecedent opinions of my own, dilated on and expanded by a superior power. In some respects I am the acorn. . . ." [4] In presenting the Reports on 15th April 1782, Dundas delivered his famous speech.[5] Modelled on the ' plan ' [6] Francis had drafted for him, it passed in review all the most conspicuous acts of Hastings' government and condemned them one by one. Hastings was shewn up as a monster in human form, a creature of boundless ambition, extravagant, cruel and relentless—a demon whom the Directors could neither restrain nor remove. Burke followed and, excelling even himself in violence, called for an entire change in the constitution of the East India Company. Without even submitting to the House any of the evidence on which the Committee professed

[1] Robinson Collection. Sir H. Fletcher and Gregory—both hostile—were returned to the Chairs.

[2] *E.g., Original Minutes of the Governor-General and Council on the Settlement of the Revenues,* published 1782, contains Hastings' plan of 1775 and his own plan of 1776, with the Minutes on the ' Aumenee Institution '.

[3] "There can be no difference between us on the general principles of Indian politics." —Burke to Francis, 23rd Nov. 1785, P. & M. II. p. 245. Burke adopted Francis' revenue plan. See his letter on the subject, P. & M. II. p. 126; Parl. Hist. xxii. pp. 1275-83 & 1291-1302.

[4] P. & M. II. p. 288. [5] Parl. Hist. xxii. pp. 1291-1302. [6] See p. 142.

to have grounded its reports, leave was sought and obtained to bring in a bill for the purpose. But against this the whole weight of the Hastings party was exerted in protest and the bringing in of the bill was deferred.[1] On 3rd May,[2] however, the House, on a motion of General Smith, supported by Burke, passed a resolution addressing the Crown for the recall of Impey, "to answer the charge of having accepted an office granted by and tenable at the pleasure of the servants of the East India Company". A fortnight later Burke in an empty House proposed and carried 44 Resolutions, concluding, "that it was the duty of the Court of Directors to address the Crown for the recall of all those whom the House of Commons had censured".[3] It was of these transactions that Macaulay wrote in his famous essay: "The votes, which in consequence of the reports made by the two Committees, were passed by the Commons, breathed the spirit of stern and indignant justice".

The Reports were followed by a war of pamphlets.[4] Scott, Halhed and Joseph Price denied the charges and exposed the evidence on which the Committees had based their conclusions. Again Francis was denounced as the evil genius behind the scenes. The Proprietors met in a General Court and carried by an overwhelming majority, "that the Court of Directors were not bound to attend to any suggestions which might emanate from any one branch of the Legislature". In the face of this the House of Commons was powerless.

Then came a garbled account of certain happenings in the East. On Francis' departure from Bengal, Hastings had undertaken in the summer of 1781, and in the hope of readjusting their affairs, a tour of the provinces of Oudh and Benares.[5] The story of his visit to Benares, of the revolt of the recalcitrant Raja, Chait Singh, of the perilous position in which the Governor-General was placed, of the dexterity with which he extricated himself, with the consequences to Chait Singh, is common matter of history. It was a rumour of these events that reached London in May 1782. Francis seized upon it.[6] Hastings was shewn to have been guilty of tyranny, double-dealing and injustice.

[1] Gleig, ii. 484. [2] Parl. Hist. xxii. p. 1411. [3] *Ibid.* p. 1302.

[4] I.O. Tracts, 1782, vols. 53, 54, 56, 175, etc., *e.g.* Letters to Edmund Burke; J. Price to Francis; A Letter to Edmund Burke on the subject of his late charges against the Governor-General from N. B. Halhed.

[5] Gleig, ii. 382, Hastings to Scott, 28th Apr. 1781. Scott and Middleton had frequently urged Hastings to make the journey (Scott to Hastings, 18th Oct. 1780, B.M. Add. MS. 29146).

[6] 2nd Report from Select Committee, 1782, p. 1.

On 27th May, Dundas, although he had no authentic information, presented in the House of Commons a report on the affair.[1] Burke and General Smith supported him. The former, in a rabid speech, deplored the injustice perpetrated upon the Raja. On the following day Dundas carried a resolution, " that having in sundry instances acted in a manner repugnant to the honour and policy of the nation and thereby brought great calamities on India and enormous expenses on the East India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-General ".[2] Eight proprietors, headed by Johnstone, prevailed upon the Directors to refer the matter to a General Court of Proprietors.[3] They met on 19th June and, defeating the motion, added a recommendation, " that the Directors take no further steps without first laying their proceedings before a General Court to be especially called for the occasion ".

Francis and his party were furious. Adam Ferguson,[4] a member of the Secret Committee, declared in the course of a debate on 24th June 1782 that the House had sustained an unprecedented insult and that the labours of the Committee were so much waste paper, unless something was immediately done to entrust India affairs to more competent hands. Fox rose and, although it was late in the session, promised a new arrangement.

The Ministry, however, was composed of such discordant elements it was not expected to live long; the session was too far advanced for any extensive measure of reorganisation. Scott, hopeful again, wrote to urge Hastings not to be discouraged by events in Parliament.[5] So matters stood when, on 1st July, Rockingham died and Shelburne became Prime Minister.

It was the opinion of Hastings' friends that Shelburne had never been a willing party to the hostile measures against him.[6] Again they hoped something would be done by the Ministry to countenance him. Even in the Direction hostility began to subside. But again appearances were deceptive. Rockingham's

[1] Parl. Register, vii. p. 197. [2] Parl. Hist. xxiii. p. 75.

[3] B.M. 583, p. 10, *Pamphlet of Proceedings at the India House*, " containing a detailed account of the transactions in the Commons, the Court of Directors and the Court of Proprietors from the passing of the Resolutions to 1st Nov. 1782 ", published by Hastings' friends, 6th Nov. 1782.

[4] Parl. Register, vii. p. 264. Ferguson had submitted to Lord North, 20th Apr. 1781, a plan for the new-modelling of the Government of India, advocating the declaration of the king's sovereignty and denouncing the Company's rule. Plan in the Robinson Collection.

[5] Gleig, ii. 481. [6] *Ibid.* 488.

death was followed by the secession of the entire Rockingham party. Burke threw up his post as Paymaster; Fox resigned the Secretaryship of State, accusing Shelburne of shielding Indian delinquents.[1] The new Ministry was weak in the House of Commons and stood in need of patronage. It was known that Fox and Burke were preparing to bring India affairs before Parliament when the session resumed. Shelburne therefore determined to settle everything during the recess. To appease Fox and Burke he had transmitted on 8th July the resolution for the recall of Impey. Now followed a manœuvre [2] to secure the recall of Hastings and the appointment of Lord Cornwallis, whom high rank and powerful influence, it was hoped, would make more acceptable to the Proprietors as a successor to Hastings. By an intrigue with 'The Chairs' in the Direction, Shelburne attempted to defeat the opposition of Hastings' friends, but failed to carry his end. The hostile Directors, however, not to be outdone, despatched their general letter, ordering the reinstatement of Fowke, whom Hastings had again recalled in January 1781, and of Bristow, and condemning his conduct to Chait Singh. "It appears to this Court", said the letter dated 28th August 1782,[3] "that the conduct of the Governor-General towards the Raja whilst he was at Benares was improper, and the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable and highly impolitic and may tend to weaken the confidence which the native powers of India ought to have in the justice and moderation of the Company's government." They further adopted the Commons Resolutions of 28th May, with a decision to agitate for the recall of the Governor-General for failing "to abstain from schemes of conquest and extension of dominion". The Resolutions were published and transmitted to Bengal. The Hastings party protested;[4] Scott advised him that it was the opinion of his friends that he should pay no regard to the orders;[5] Mansfield declared that the Directors had no right to justify Chait Singh or to order his restoration. Again the Proprietors intervened. A General Court was fixed for 24th October.[6] Johnstone was determined

[1] On 10th July 1782.—Annual Register, 1782, p. 147.

[2] Gleig, ii. 492-6, 503-6, Scott's narrative of events in letters to Hastings of 29th Aug. 1782, & 1st Jan. 1783.

[3] Bengal Despatches, vol. 12, p. 515; Gleig, iii. 72.

[4] Six of the Directors protested against the adoption of the Resolutions and defended the conduct of Hastings.

[5] Gleig, ii. 492.

[6] *Pamphlet on Proceedings at the India House*, p. 13. Debate, 24th Oct. 1782.

on a ballot and, wishing to secure the support of North's friends, appealed to him directly and through Robinson to exert his influence. It was in response to this appeal that North wrote a letter to Robinson on 27th October 1782, which is most instructive on his attitude to Hastings and the situation in India.[1] After recalling the reasons for which he had desired and attempted to remove Hastings, he pointed out that his being called upon to take an active part in the affair at the present moment placed him in an awkward predicament. He was convinced that " the recall of Mr. Hastings . . . is a rash and ill-advised measure, especially at this time, when the circumstances of India require in a Governor-General the most tried abilities, the greatest experience and the most perfect knowledge of the country and when the last advices from thence have given the Company every reason to be satisfied with the late conduct of Mr. Hastings. To send a perfect stranger there at this moment appears to me so impolitic and so little likely to give satisfaction, that I wonder the Ministers have attempted it." For these reasons he was prepared to act with Johnstone, unless Robinson thought his previous conduct " would injure his reputation for consistency ". Characteristically he left the final decision with Robinson, " understanding always that my friends will either be *against* the recall of Mr. Hastings or *neuter*, for it is impossible for me to wish that my friends would join the Directors in a measure which appears big with danger to the public ".

The Resolutions, therefore, fell flat. On 5th December 1782 the House met again. A large portion of the speech from the Throne was devoted to India. Dundas, who had joined Shelburne's Ministry as Treasurer of the Navy, moved on 16th December that the Resolutions of 28th May be laid on the table, and proceeded to denounce the conduct of the Proprietors.[2] Johnstone and Thomas Pitt rose in their defence. Fox followed and denounced Hastings as a great public delinquent. Burke supported Fox and addressed heavy charges against the Governor-General. Thomas Pitt dared him to the proof when face to face with Hastings. Burke vowed it should be fulfilled. Dundas then closed the debate. While he meant to make no criminal charge against Hastings, he would, he said, for political reasons do his best to remove him and proposed to bring in a bill at a convenient season.

[1] Robinson Collection, Nos. 483, 484 & 485, 27th Oct. 1782. See App. V. Nos. 4.
[2] Gleig, ii. 498; Parl. Register, xi. p. 109.

Shelburne persisted in his attempt to recall the whole Council in Bengal.[1] He now sought to induce Hastings' friends to agree to an arrangement to send Cornwallis out as second in Council to succeed Hastings. This some felt to be desirable. It was evident that no matter which party came into power the patronage of the East was too great an object to admit of Hastings being retained for long in his post. Dundas' promised bill was fixed for 2nd March.[2] It provided for the removal of Hastings and the succession of Lord Cornwallis, and in its arrangements for India administration adopted the system advocated by Francis. The land revenue was to be settled with the zemindars and the Company pledged to a policy of non-intervention. The discussions on the preliminaries of the American Peace compelled the Lord Advocate to postpone his measure until 14th April, when the Coalition Ministry refused to adopt it.[3]

Francis was, in fact, in a dilemma. The very motives which inspired his supporters to aid him in his campaign against Hastings and the Company tended to their defeat. All alike desired the patronage of India. No party, as a body, was really interested in the welfare of the East or in the Company or Hastings. Each was ready to sacrifice every consideration to secure its own political interests: none was prepared to make sacrifices to assist its opponents. Only to Francis and to Burke, if for very different reasons, was the question of a government for India a poignant reality.

All through these proceedings the Committees of Inquiry continued to sit. Every measure of Hastings' government was agitated: every assertion advanced by Francis discussed and adopted. They packed tribunals on the Benares affair, summoned witnesses whom they expected to be prejudiced, and made no secret of their displeasure when these expectations were disappointed.[4] Meanwhile, in March 1783, the Shelburne Ministry had been forced out of office on the question of the American Peace and negotiations set on foot which resulted in the North-Fox Coalition.

[1] Gleig, ii. 503-6.

[2] *Ibid.* p. 513; 'Abstract' in *Historical View of the Plans for the Government of British India*, 1793.

[3] Parl. Hist. xxiii. p. 757.

[4] 2nd Report from Select Committee, 1782; Gleig, ii. 501, Scott's account to Hastings of the Committee's attempts to intimidate Capt. Rayne who, since he was a nephew of Col. Champion, they believed would give evidence against Hastings.

§ 5. Francis and the North-Fox Coalition; the Fox Bill

Though Ministry had followed Ministry in quick succession, the changes had been more apparent than real. The Fox-Burke influence, inspired by Francis, dominated them all. The hopes of Hastings' friends that North would exert his influence to defeat hostility were shewn to be ill-founded. An election of Directors was approaching. Burke with Francis attempted to prevent the election of Sulivan.[1] North had promised assistance to the Hastings party, but at the eleventh hour sought to back out. Only the persistence of Governor Johnstone kept him to his word. Then North was approached to rescind the Resolutions of 28th May from the Journals of the House. While he vacillated, Francis circulated [2] a report that all hope of peace with the Marathas was at an end and that Hastings had been duped by Mahdaji Sindhia whose mediation he had enlisted while at Benares to secure a treaty of peace and alliance with the Peshwa.[3] Burke and Smith carried the report to the House.[4] A burst of indignation followed, on the strength of which Burke proposed a parliamentary commission to be appointed on the spot. The persons named to undertake the inquiry were Francis, Long, General Burgoyne, Lord Macartney and William Burke—all known opponents of Hastings. Before matters could be settled Parliament was prorogued on 16th July 1783, when Burke moved that papers relating to certain transactions of the Governor-General during his visit to Oudh in 1781 be laid on the table.[5] North, to the disgust of Hastings' friends, seconded the motion.[6] If he was afraid to injure his reputation for consistency when out of office, how much more was this the case when he had stretched many points to secure it.

During the recess the *Fox* packet arrived with the news of a Maratha peace—the Peace of Salbai—which had been ratified in Calcutta on 3rd June 1782, together with Hastings' own

[1] Gleig, ii. 514, Scott's account of the transactions at home in his letter to Hastings of 23rd Mar. 1783; Robinson Collection.

[2] In an anonymous pamphlet entitled "A Retrospective View, etc., of India Affairs and the Mahratta War", 1783. The matter was taken up by the Select Committee and Francis called as a witness. When news of the ratification of the Treaty with Sindhia came some time later (see below) a 'postscript' was added to the pamphlet pointing out that the event was "a consequence of the death of Hyder Ally" and not due to the exertions of Mr. Hastings.—I.O. Tracts, vol. 132.

[3] Gleig, ii. 421; Forrest, Selections, iii. 813, 814.

[4] Gleig, ii. 518.

[5] *Ibid.* 521, Scott to Hastings, 17th July 1783.

[6] *Ibid.* and p. 524, Scott to Hastings, 29th July 1783.

" Narrative of Events at Benares ", which he had instructed Scott to publish.[1] Opinion now ran high in favour of the Governor-General who was popularly acclaimed the saviour of India. But this was short-lived. In the struggle against Hyder, Hastings had found himself opposed to Lord Macartney, the Governor of Madras, whose misplaced pacific views and vehement protestations for an immediate peace had issued in an angry correspondence between the two Governors.[2] Macartney's letters denouncing Hastings' attitude towards the belligerents in the Carnatic arrived on the heels of the news of Salbai.[3] The hostile Directors, loath to confess themselves in the wrong, seized upon them. They met and, after coldly expressing pleasure that peace was at last concluded, proceeded to review and censure several of the transactions detailed in the ' Narrative '.[4] Hastings was charged with rapacity and ordered to account for every gift received since his appointment to office. No sooner was this order despatched than a letter from Hastings, dated 20th March 1783, signifying his intention under certain conditions to resign, was received.[5] The letter caused a general rejoicing. Friends and foes were alike glad ; friends because it gave the lie to Francis' assertion that " Hastings could never be removed except by force ". Though jubilant, the Fox party did not propose to suspend hostilities. It was said that the King was opposed to the resignation in the critical condition of affairs in the East, and the Ministry's unpopularity with both the King and the public made this an added cause for hostility.

The Proprietors, who, as a body, had always shewn themselves staunch supporters of the Governor-General, decided to vote him towards the close of October 1783 their " formal thanks for his long and invaluable services ".[6] That Hastings should be publicly thanked was contrary to Francis' purpose. He prevailed on his old friend Alex. Wedderburn, now Lord Loughborough, and on Mr. Anstruther to persuade Governor Johnstone to drop the design.[7] On Johnstone's refusal, he incited the friends of Macpherson and Stables, the two junior councillors in Bengal, to agitate for their inclusion. Robinson, who had

[1] Gleig, ii. 524.
[2] *Ibid.* and iii. 59-63, Macartney-Hastings Correspondence.
[3] *Ibid.* iii. 90.
[4] *Ibid.* ii. 527 ; Bengal Despatches, vol. 13, p. 1.
[5] Gleig, iii. 91. See § 7, where the circumstances which induced Hastings to this decision are discussed.
[6] *Ibid.* iii. 93, Scott to Hastings, 10th Nov. 1783 ; I.O. Tracts, vol. 56, pp. 217-324, *Proceedings at a General Court, 7th Nov.* 1783.
[7] *Ibid.* Anstruther had formerly supported Hastings in the Court of Proprietors. —*Pamphlet on Proceedings*, p. 41.

carried the election [1] of the two councillors, drew up a memorial of thanks which was nothing more than a panegyric on them. But the eloquence of Johnstone and Dallas so impressed the Court that the vote of thanks to Hastings was carried amid loud applause, with only one dissentient voice.[2] Public opinion was, in fact, warm in his favour. The Earl of Stair, referring to him in a pamphlet as " The Chatham of the East ", denounced the attitude of the Ministry and remarked, " I think it strange to see all the force of reform bent towards that quarter of the globe, in which alone our affairs have been conducted with success ".[3] Lord Mansfield and Lord Thurlow both warned Fox that he was imperilling his own affairs by running to extremities on India ; but Fox, set in motion by Burke, who had been wound up to a dangerous pitch by Francis, could not stop himself. When Parliament reassembled on 11th November he gave notice that he would bring in his bill that day week.[4] He said nothing of Hastings. Johnstone rose and expressed surprise that no mention had been made of the man who had concluded the Maratha Peace and saved India.

On 18th November Fox presented his India Bills, prefaced by a long speech on Indian horrors.[5] Drafted by Burke and known at the India House as Burke's,[6] the main Bill, like Dundas' tentative measure, adopted the administrative system advocated by Francis. With respect to the revenues, the Bill[7] declared, " the rents paid by the land holders to the Company having been raised, lands farmed out at new rates and ancient farmers and proprietors having been dispossessed ", it is proposed " that all lands within the Province of Bengal, etc., . . . should be deemed to be the estates of the native land holders and families who had formerly held them . . . and these lands were to be held by them according to the custom of the country without any violation or disturbance from the Company or their servants ". " Non-intervention " as the system of foreign policy was enjoined and " schemes of con-

[1] Robinson had secured the election of Macpherson against George Vansittart and of Stables against Genl. Campbell (Robinson Collection, Correspondence between Stables and Robinson, Aug. 1781).

[2] The dissentient was Edward Moore, a friend of the late Majority in Bengal, and from whom there are several letters to Lord North in the Robinson Collection, denouncing Hastings.

[3] Gleig, iii. 97.

[4] Parl. Hist. xxiii. p. 1151.

[5] *Ibid.* xxiii. p. 1187; Gleig, iii. 99-104. "Fox in his 'preamble' entered fully into all the scandalous stories related in those execrable libels (as Lord Temple calls them), the 9th and 11th Reports from the Select Committee."—Scott to Hastings, 20th Dec. 1783.

[6] Robinson Collection, No. 515, Letters of C. Jenkinson to Robinson, 24th Sept. 1785.

[7] Parl. Hist. xxiv. pp. 62-89.

quest and extension of dominion " deprecated. Further, the Bill arranged for the almost complete annihilation of the Company's power. A body of seven Commissioners to be assisted in the management of commercial affairs by nine Assistant Directors was created to take charge of the Company's political and commercial concerns. They were named in the Act and were to hold office by parliamentary appointment for four years. It is doubtful whether Francis was a party to these more arbitrary features of the Bill which were inserted to satisfy Fox.[1]

On 1st December Burke delivered his brilliant speech in support of the Bill which had passed two readings in the Commons.[2] After presenting " a collective picture of Indian horrors calculated to subjugate the understanding and emotions of his audience ", he concluded by pronouncing a panegyric on the Majority, culminating in his famous eulogy of Francis. " Consider ", he asked the House, " the fate of those who have met with the applause of the Directors. Colonel Monson, one of the best of men, had his days shortened by the applause, destitute of the support of the Company. General Clavering, whose panegyric was made in every despatch from England, whose hearse was bedewed with the tears and hung round with the eulogies of the Court of Directors, burst an honest and indignant heart at the treachery of those who ruined him by their praises. Uncommon patience and temper supported Mr. Francis a while longer under the baneful influence of the commendation of the Court of Directors : his health, however, gave way at length, and in utter despair he returned to Europe : at his return, the doors of the India House were shut to this man, who had been the object of their constant admiration. . . ." He then went on to acknowledge his indebtedness to Francis in the following oft-quoted passage : " This man, whose deep reach of thought, whose large legislative conceptions and whose grand plans of policy make the most shining parts of our reports, from whence we have all learned our lessons if we have learned any good ones ; this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief ; this man, driven from his employment, discountenanced by the Directors, has had no other reward and no other distinction but that inward *sunshine of the soul* which a good conscience can always bestow on itself."

[1] In the *Character of C. J. Fox*, attributed to Junius (a posthumous sketch, B.M.), the author, presumably Francis, criticises the Bill as " a hopeless blunder—a usurpation and a capable despotism ".

[2] Parl. Hist. xxiii. pp. 1312-86.

The Bill passed the Commons on a third reading.[1] The Company petitioned against it, declared that it violated everything that ought to be held sacred and that it aimed merely to extend the influence of the Minister by increasing facilities for patronage.[2] It now went before the Lords. The story of how the King, determined on the overthrow of the Coalition, contrived through Lord Temple to throw out the Bill is well known.[3] It is not so well known that it was Robinson who prepared the way for the final blow. While North was exhorting him to exert his influence to assist the passage of the Bill,[4] Robinson was working secretly hand in hand with his friends in the Proprietors—Atkinson and Jenkinson—to bring together a body of lords on the appointed day to defeat the measure.[5] He had too large a body of personal friends in the Proprietors to desire the demolition of the Company, and he hated the Coalition.[6]

The defeat of the Bill brought about the fall of the Government. For the first time in the annals of parliamentary history, India affairs had fundamentally affected the course of politics at home. The Pitt Ministry, which came into office and which included a number of lords all professing friendship for Hastings, was termed by Lord Gower "The Hastings' Administration".[7] Ministers declared that it was he who had overturned the Coalition and that they owed their office to him. The defeated Ministry were more violent than ever against him.

A war of pamphlets followed the agitation over the dissolution. Francis fought fiercely—mainly through anonymous publications—in defence of the Bill, demonstrating the need for a new system of government for India. Himself intrigue personified, he was disgusted with the whole system of party intrigue in England. That an effort to establish what he regarded as a more enlightened government for the natives of India should be thus summarily dismissed by the covert influence of the King, playing on what he

[1] Parl. Hist. xxiv. p. 61. [2] *Ibid.* p. 134.

[3] See also Gleig, iii. 99-104, Scott's account in letter to Hastings of 20th Dec. 1783.

[4] Rohinson Collection, No. 519, North to Robinson, 19th Nov. 1783.

[5] "Everything stands prepared for the blow if a certain person has courage to strike it."—Atkinson to Robinson, 3rd Dec. 1783, Rohinson Collection, No. 520.

[6] "The Court eagerly decided that it would he hetter to surrender our violated rights to the Crown in a solemn way if the Bill passes the House of Peers then let these new Potentates have the power of mismanaging our property without control."—Atkinson to Rohinson, 3rd Dec. 1783, Rohinson Collection, No. 521. "You may he assured that the King sees the Bill in all the horrors that you and I do . . . you cannot do too much to obtain the votes of Lord Ahergavenny, the Duke of Beaufort and Lord Montague."—C. Jenkinson to Rohinson, 5th Dec. 1783, Rohinson Collection, No. 523; also Atkinson to Robinson, 12th Dec. 1783, Robinson Collection, No. 526, etc.

[7] Gleig, iii. 102-11.

held to be "antiquated fears", sent him flying to his pen. There appeared two anonymous pamphlets[1]—"Popular Topics" and "We have been all in the Wrong"—which sought to establish the principle for which Francis had consistently battled, that the dual rôle of the Company, that of sovereign and merchant, was detrimental alike to their own interests, that of the natives and the nation at large. The public was reminded of its duty to the oppressed millions of India and the shallowness of a policy which squabbled over the question of prerogative. "The interests of the people who are governed by them", said the pamphlet, "and not party advantage should be the primary object of the responsible governing body", and "if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin can be adopted, until it is demonstrated that no party can derive any advantage from it, no good can ever be done to this country". "If you agree that the Bill is dangerous to the Constitution," said "Popular Topics", "yet you cannot deny it to be a Bill of infinite benefit to the people of India. That people form a great part of the great body which composes the strength of this nation, and therefore ought to be attended to and as carefully provided with a Constitution suitable to their wants and circumstances, as the people of this country are provided with a Constitution suitable to theirs. This is the demand of common equity and all talk of dangers to the Constitution are imaginary."

Public opinion had shewn itself ready to endorse his tale of corruption in India and to demand reform; but British prejudice and tradition refused to sanction the destruction of rights once granted by charter.[2] This he sought to break down. "Charters, Charters," said the same pamphlet, "was the end of the secret advisers of His Majesty. The royal ear was wounded; the teeth of monarchy were set on edge by every rent given to the sacred parchment of Charters. But a sober man who was not Charter mad and who had learned his law and morals somewhere else than at the back-stairs and at the India House, would have asked whether Charters were given for the purpose of oppressing whole nations and of destroying the trade of a great part of the world."

By him Burke, the staunchest advocate of the chartered rights of the Company in the debates on the Bill of 1773, had been convinced that the Charter of the East India Company was "the very reverse of that 'Magna Charta' which was the foundation

[1] I.O. Tracts, vols. 58 & 59; B.M. East India Tracts, 1784.
[2] Debates on East India Bills, Parl. Hist. xxiii. pp. 1255-1306 & xxiv. pp. 1-61.

of English liberty". "Magna Charta", he joined Francis in declaring,[1] "is a Charter to restrain power and to destroy monopoly. The East India Charter is a Charter to establish monopoly and to create power. Political power and commercial monopoly are not the rights of men; and the rights of them derived from Charters, it is fallacious and sophistical to call 'the chartered rights of men'."

§ 6. Francis and the Pitt Ministry; the Pitt Act

In January 1784, Pitt had sustained a defeat in the House of Commons. In March he dissolved Parliament: in April a general election took place and Francis succeeded in obtaining a seat for Yarmouth, in the Isle of Wight.[2] He came in on the side of the Opposition, led in the House by Fox, and on 2nd July made his maiden speech [3] in the course of a debate on the financial affairs of the East India Company. Characteristically, he painted their situation in the blackest of colours, denounced "the empty promises of support and barren praises" he had always received from the Directors, professed little devotion for the Court of Proprietors, "who had always uniformly supported the persons and measures which he had uniformly opposed", but asked the House to believe that he was an enemy neither to the Company nor to their Governor-General, Mr. Hastings.

On 6th July 1784, Pitt presented his Bill "for the better regulation and management of the affairs of the East India Company, and of the British possessions in India: and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies".[4] The work of Dundas,[5] concerted in conference with Robinson,[6] Atkinson and Jenkinson, the preamble adopted the sentiments of Fox's Bill, but left both the political and commercial power in the hands

[1] Speech on Fox's India Bill, Parl. Hist. xxiii. p. 1315.

[2] P. & M. II. p. 220. The seat was a pocket borough and costly.

[3] Parl. Hist. xxiv. pp. 1038 & 1042-58. On 16th June Francis had moved in the Commons for certain papers relative to the state of the East India Company's affairs, when he seized the occasion to assure the House "that from private information received from Bengal" he knew that "peace with Tippoo Sultan was by no means at a certainty" (I.O. Tracts, vol. 60, p. 1). An anonymous pamphlet entitled "A Short State of the Present Situation of the India Company, 1784" (Tracts, No. 57), adopting these sentiments, and exposing the Company's precarious situation, was circulated at this time.

[4] Parl. Hist. xxiv. pp. 1085 & 413-19; Pitt's India Act, 24 George III. Cap. XXV.

[5] Robinson Collection, Nos. 550, etc., Atkinson-Robinson Correspondence, Dec. 1783–Jan. 1784. Gov. Johnstone also assisted Pitt.

[6] Robinson had transferred his services to Pitt, and in a letter to Lord North of 31st Jan. 1784 justifies his conduct.—Robinson Collection, Nos. 572.

of the Company, providing, however, for the institution of a Board of Control, to the close supervision of which the Directors were to be subjugated.[1] The power of the Proprietors to rescind in a General Court resolutions of the Directors, if approved by the Board, was annulled,[2] and the following clauses drafted in connection with the foreign policy of the Company and the settlement of the revenues in Bengal.[3]

" And whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and policy of this nation . . . it shall not be lawful for the Governor-General and Council without the express command of the Court of Directors, or of the Secret Committee . . . either to declare war or to commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India. . . ." And with respect to the revenues, " Whereas complaints have prevailed that divers rajas, zemindars and other native landholders have been unjustly deprived of their lands, jurisdictions and privileges, or that the tribute, rents and services required to be by them paid or performed for their possessions to the Company, are become grievous and oppressive; and whereas the principles of justice and the honour of this country require that such complaints should be forthwith enquired into and fully investigated . . . therefore . . . the Court of Directors shall forthwith take the said matters into their serious consideration . . . and thereupon give orders to the several Governments and Presidencies in India, for effectually redressing, in such manner as shall be consistent with justice and the laws and customs of the country, all injuries and wrongs which the rajas, zemindars, and other native landholders may have sustained, and for the settling, upon principles of moderation and justice, according to the law and constitution of India, *the permanent rules by which their tributes, rents and services* shall be in future rendered and paid to the Company."

In addition, arrangements were made for the trial of offences committed in India,[4] and a clause was inserted requiring all servants of the Company returning to Great Britain " to deliver in upon oath " an exact inventory of all their property, both real and personal.[5]

In its essentials the Bill, which became Pitt's India Act, thus adopted the findings of the Secret and Select Committees, couched in the very words of Francis' frequent denunciations, and incor-

[1] §§ 1-6 Pitt's India Act. [2] § 29. [3] §§ 34 & 39. [4] § 44. [5] § 55.

porated the political and revenue systems he advocated. Yet it was actively assisted in its progress through both Houses by Hastings' friends and as actively opposed by Francis and the Opposition.[1] By the Opposition because they desired to defeat the Ministry : by Francis because he was opposed on principle to the system of control set up both at home and in Bengal. He had persistently agitated for the appointment of a distinct body to supervise the political concerns of the Company, because he regarded the Directors as incompetent. This body was to have a real and effective control over the India Councils ; but should the institution of such a body prove difficult and the Court of Directors be maintained, he would have the Company divested of its trading character and recognised as a governing concern only. Pitt's Board of Control embodied his idea, but not as he would have had it. It neither abolished the Court of Directors nor strengthened it, but set up a pernicious dual control over the political concerns of the Company in India. In two powerful speeches [2] against the Bill on the 16th and 26th of July, he presented his case, renewing the subject on 7th March 1786,[3] when the interval had proved his criticisms not unfounded, and when he sought to bring in a Bill " to explain and amend " the late Act. In speaking of the Board, he said, " it places all the nominal power of the Company in one set of men and all the real power in another ". This would give the servants of the Company, ever ready to disobey the orders of the home authorities, a plausible excuse for disobedience.

Again he was opposed to the method adopted for the trial of offences committed by the Company's servants in India. It was a " capital innovation " in the criminal jurisprudence of England. "New principles", he declared, " are introduced, not only into the system of our laws, but into the manners of the people. . . . The ancient established mode of trial by Jury and by the Country is renounced as imperfect and inadequate." The new system was both " unjust and arbitrary ", and considered as a precedent held out "a general menace to the whole kingdom . . .". "It acts directly upon a few, but it threatens us all," he concluded. Thirdly, he objected to the constitution of the Council for Bengal. To prevent the formation of a hostile majority against the Governor-General, Pitt's Act reduced the Council to four in all, with a casting-vote for the Governor-General. This, Francis

[1] Gleig, iii. 105-11 & 168-73, Scott to Hastings, 11th Jan. & 15th Aug. 1784 ; Parl. Hist. xxiv. pp. 1085-1216.

[2] Parl. Hist. xxiv. pp. 1102-21, & 1172-1206.

[3] *Ibid.* xxv. p. 1202.

argued, was equivalent "to entrusting the Governor-General with the perpetual exercise of a casting voice, in other words, to unite the power and divide the responsibility". Past experience had shewn "to what purpose the power of the casting voice had been applied, when it accidentally fell into the hands of the Governor-General", and "ought to have warned them from annexing it in perpetuity to that office". His amendment proposed merely "to revert to that which was good before or which if not perfect in itself has not been improved by innovation". He would have liked "to rebuild the House I live in from the foundations if I could", but since that was not in his power, he endeavoured merely "to repair it". "Protesting as I continue to do", he concluded, "against the form in which the executive powers of the India Company in England are actually distributed and declaring as I do that, in my opinion, a more absurd system of government could not have been imagined, I shall leave it as it stands. An attempt to alter it would have no chance of succeeding." His motion for amendment was rejected.[1]

On the other hand, Pitt had cleverly disarmed the opposition of Hastings' friends on the very eve of his coming into office. He and his Ministers openly professed indebtedness to him for their office, spoke of him to Scott in terms of the highest appreciation, convincing him that, "considering the madness and the prejudices of men in general with respect to India", Pitt's propositions were very fair.[2] Dundas, Treasurer of the Navy, the quondam leader with Burke in the Opposition against Hastings, asked Scott to believe that he had never doubted the Governor-General's personal integrity, though he had differed from him in his political opinions. That difference was now at an end, because the Maratha War was at an end, and he was even prepared to support Hastings in the House against Burke and the Opposition. Further, it was proposed to secure a seat in the House for Scott, to refute the calumnies of the Opposition. Lord Thurlow, however, though he supported the Bill, did not entirely approve of it;[3] while Impey, who had returned in June, declared Hastings would dislike certain clauses and that the Governor-General should have a negative. So strong a measure Pitt, it was said, was afraid to propose, preferring to reduce the Council to strengthen the actual operation of the Governor-General's

[1] Parl. Hist. xxv. p. 1266.
[2] Gleig, iii. 105, Scott to Hastings, 11th Jan. 1784.
[3] *Ibid.* 168, Scott to Hastings, 15th Aug. 1784.

casting-vote. And while the Ministry flattered Hastings, the Court of Directors revealed a friendlier spirit. Their 'general letter',[1] while rebuking him for having arraigned the conduct of the Directors in the affair of Chait Singh, expressed at the same time their warmest thanks for his wonderful exertions which had saved India and improved the revenues of Bengal. The instructions for the restoration of Chait Singh were cancelled, Lord Macartney blamed for his conduct to the Nawab of Arcot,[2] and Hastings' appeal for the Directors' sanction to withdraw the office of Resident at Lucknow granted.

When, in August 1784, Pitt's Bill became law, Thurlow set himself to secure a peerage and the red ribbon for Hastings.[3] But the Bill once carried, the true nature of the Ministry's pretensions was revealed. Pitt instanced the Resolutions on the Journals of the House as a material objection.[4] This was palpably an attempt at evasion, since Pitt could easily have obtained in his own House the repeal of a vote of censure. When pressed by Thurlow to declare himself, he proceeded to cite a list of objections to Hastings' past conduct. He had attempted to extend the British Dominion in India, had forfeited by his conduct the confidence of the native powers, had disobeyed the orders of the Directors and lavished the Company's money to gratify his dependents. Pitt had, in truth, learnt the little he knew of India affairs from sources hostile to the Governor-General. In the first place, he would not act without the concurrence of Dundas who directed his India policy; and Dundas, despite his protests to Scott, having once imbibed Francis' views and prejudices, could not approve of Hastings. What was Pitt's Act but the condemnation of Hastings' principles and the embodiment of Francis' system? In the second place, the private representations[5] against Hastings, addressed to Robinson who had transferred his services to Pitt, by the junior councillors in Bengal, in particular Stables, had poisoned his mind; while the hostility of Lord Macartney's friends, powerful both in the House and the Direction, had strengthened prejudice.

Thus the Pitt Ministry, to which, ironically enough, Francis as a follower of Fox found himself in opposition, supported with greater effect than any his cause. It embodied in an Act of

[1] Bengal Despatches, vol. 13, p. 123, Despatch of 28th Jan. 1784.

[2] For an examination of the case of the Nawab of Arcot, see H. Dodwell's article, 'Hastings and the Assignment of the Carnatic,' *English Historical Review*, xl. p. 375.

[3] Gleig, iii. 172.

[4] *Ibid.* 176, Scott to Hastings, 6th Nov. 1784.

[5] Robinson Collection.

Parliament his political system, and brought about the event for which he had so long and so passionately agitated—the return of Hastings.

§ 7. Why Hastings Resigned

Intelligence of the hostile proceedings of the Commons and the Court of Directors, culminating in the Resolutions of 28th May 1782, reached Calcutta early in December of the same year.[1] It found Hastings in the midst of negotiations with Sindhia in a desperate effort to secure peace with the Marathas. The circulation of a resolution that it was the duty of the Court of Directors to remove their Governor-General because he had "acted in a manner repugnant to the honour and policy of the British nation" at such a time when all the exertions of government were required for the desperate support of the Carnatic, was, to say the least, disturbing. The defeat of the Resolutions by the Proprietors served only to increase the tension. Immediately Hastings addressed an appeal to Lord Shelburne.[2] "Think, my Lord," he wrote, "of the English newspapers and Leyden gazettes circulating through every state in Europe, and every European colony in Asia, the suspension of the powers of the first British Government in India, at a period such as the present, in the express words of the resolution of the House of Commons: and a French emissary at Poona in possession of such an instrument to work on the procrastinating spirit of the Mahrattas." It must defeat any prospect of an alliance against Hyder. His Council, reinforced by Stables, who had arrived on 17th November 1782, lost confidence in him and, undecided how to act, became positively hostile,[3] while an ill-advised communication to Ragoba

[1] Gleig, ii. 549.

[2] *Ibid.* iii. 22, 12th Dec. 1782. This letter contains a comprehensive defence of Hastings' whole policy, with an exhaustive refutation of the charges advanced in the 'Resolutions of the Commons'.

[3] *Ibid.* iii. 44. Both Macpherson and Stahles clamoured for peace and derided Hastings' confidence in Sindhia. Appointed to office on that wave of opinion which condemned the Maratha war, on Francis' representation, as Hastings', Macpherson first, and then Stahles, came out pledged to secure peace. Macpherson, as a friend of Hastings, had been supported in his appointment by the Hastings party in the Direction, but possessed an overweening confidence in himself, and had written Robinson immediately on arrival (19th Oct. 1781, Robinson Papers) that he would be responsible for Hastings' conduct, "for he has pledged himself to follow my ideas". In a letter to Francis of 27th July 1782 (Francis MSS. No. 53), Ducarel writes, "He [Macpherson] arrived with a firm conviction that everything 17 [Hastings] had done or was doing was wrong, but relying firmly on the influence he should have with him by quoting high authorities on the other side of the water, and on his power of persuasion to make him alter his measures. The trial has undeceived him, and I question if at this moment there is much difference between 14's [Macpherson's] sentiments of a certain person [Hastings] and those of 119 [Francis],

from the Court of Directors further jeopardised the pending negotiations for peace.[1]

Then came news of the death of Rockingham and, as a consequence, of the resignation of Burke.[2] Desperate as was his situation, Hastings determined to hold out. Shelburne, he believed, was better informed on India affairs, and the crisis in India required his presence. But he could not act effectively, "with a mere negative sufferance", and if he could not have the confidence and support of the home authorities he did not desire, he wrote to Lord Shelburne on 12th December 1782, to hold his post "longer than the duration of the present scene of multiplied warfare".[3] He would retain his seat until the cessation of hostilities, unless this would involve him in "public ruin and private ignominy". Such appeared to him to be the case in February 1783, when the Directors' Resolutions of July 1782, condemning his conduct in the Benares affair and justifying Chait Singh, reached him.[4] Chait Singh had solicited the protection of Sindhia, and it was rumoured that Sindhia meant to support his cause. The moment was peculiarly critical. "Are these men aware", wrote Hastings to Scott on 5th February 1783, "that in their eagerness to vilify me, they sow the seeds of distrust and rebellion among their own subjects, and that a declaration so authentic in favour of a rebel, now residing under the protection of the Chief of the Mahratta State at the crisis of our negotiations with him, might tempt the former to resume his pretensions and the latter to espouse them." An order to restore Chait Singh must follow. Could he obey it with impunity? His colleagues, already hostile, lost confidence not only in him but in themselves.[5] They mistrusted their own judgment, saw difficulties where none had existed before, thwarted and opposed his every measure, just

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and I firmly believe he will write home that he is untameable." Francis not only poisoned public opinion at home and set a tradition of contentiousness in the Bengal Council but through his agents continued to foment disunion in the Council. "Mr. Stables", writes Bristow to Francis, 1st July 1784 (Francis MSS. No. 47) "seems to be heartily tired of the disgraceful, alarming situation of our Government, and expressed himself to me, that he had felt the inconvenience of the indirect, strange method of conducting the public business. All information is withheld by the Governor-General as much as possible: the clearness and precision of your writings, had afforded him ample lights, but he had not had the opportunity of perusing them until his arrival, or should have proceeded upon more certain grounds. As it was he soon saw the fallacy of the Governor's measures and opposed and protested against them on almost every occasion. He desired me to make this communication to you and at the same time present his compls." Stables supplied the 'public records' which Bristow transmitted to Francis. See also H. Dodwell, *Warren Hastings' Letters to Sir John Macpherson.*

[1] Gleig, ii. 551. [2] *Ibid.* p. 557. [3] *Ibid.* iii. 22.
[4] *Ibid.* pp. 35-40. [5] *Ibid.* pp. 41-3.

because he proposed it, and appeared anxious only to convince the home authorities that they did not countenance one whom the Court had condemned. Lord Macartney became increasingly insistent on peace, opened negotiations directly with Mysore and appealed to the Bengal Government for special powers to treat with Tipu.[1]

In these circumstances, what could he make of the repeated injunctions of Scott and his friends to ignore the Directors' denunciations? "I cannot describe my condition even to you," he wrote to Scott. "I feel it more distressing than even the vexations I suffered in 1775; for then I was free from responsibility, tho' disarmed of power. I am now without power, with a thousand urgent calls for it and am alone responsible."[2] He penned letters of protest, exposing the injustice of the Directors' condemnation. "I could have guarded myself most effectually against their censures", he says in a letter to Sulivan,[3] "by avoiding all responsibility, and covering myself with their orders in whatever I did. I could have kept their troops and treasure at home, when the Presidency of Bombay was engaged in schemes to which it was confessedly unequal. I could have suffered the disgrace of the unhappy affair of Wargaum to remain an indelible stain on the British name. It was no concern of mine. I could have suffered the Carnatic to fall an easy prey to Hyder, when Francis opposed the measures which I suggested for its preservation and I could have justified it on the principle of self-preservation; the prior care due to the first possessions of the Company . . . I could have seen Chimnajee[4] lay waste Bengal, for it was scarce in his power to avoid it and nothing but my private aid prevented it. I could have sat quietly down when our ordinary resources would yield no more supplies for the war, and ruin threatened. What business had I at Benares? But if I had observed this discreet and safe conduct, let me ask, . . . my most rancorous enemies, what would have been the state of the Company, or whether it is likely that it would at this time have existence?"

On 20th March 1783[5] he wrote to inform the Directors of his intention to resign their service, "as soon as I can do it without prejudice to your affairs", and desired them to appoint a successor. After entering into an able refutation of their arguments in support of Chait Singh's independence, he further

[1] Forrest, Selections, iii. 921-3, Consults. 11th Mar. 1783; Gleig, ii. 554, iii. 125.
[2] Gleig, iii. 46.
[3] *Ibid.* pp. 53-60, 27th Mar. 1783.
[4] Son of Mudaji, Raja of Berar.
[5] Gleig, iii. 72-88.

declared it his intention to resign immediately if they ordered the restoration of the Raja. Instant resignation would create serious consequences. Sindhia would regard it as a desertion of him, the purposes of the negotiations with him would be defeated, and Coote, who had been prevailed upon to undertake again the campaign in the south, would refuse to do so with a broken government. But, on the other hand, his successor, whoever he might be, would come out with the countenance and support of the authorities and could act with greater weight. He fixed the date of his departure for 10th January 1784. The storm gathering in Oudh, however, where the negligence of the Resident and the incompetence of the native officials had defeated his arrangements of 1781,[1] and Lord Macartney's behaviour to the Nawab of Arcot,[2] determined him to await the arrival of his successor and meanwhile to attempt again by a personal visit the readjustment of the Wazir's affairs.[3]

On his journey down from Benares on 8th September 1784, he received intelligence from Scott of the overthrow of the Coalition, with assurances that his credit stood high with the new Ministry, the Company and the public, and that Ministers were alarmed at the expectation of his resigning his trust.[4] But he had little faith in Pitt's protestations. It appeared to him that Ministers were merely making a dupe of his agent. In defending the rights of the Company against the assertions of Fox, Pitt had not uttered one word in his defence. Had he done so, he would have put it out of his power to remove him in the future, while private declarations to Scott could hardly be considered as binding. "If", he asked, "it is expected that I should remain, why am I not told so by authority and trusted with the powers necessary to my station and the expectations which they build upon me, that I may remain for some useful

[1] Middleton and the Wazir's Minister, Haidar Beg Khan, had been entrusted with the execution of the plan formed by Hastings in 1781. On their failure to carry it through, Hastings deputed Major Palmer, 6th May 1782, to the Wazir to convince him of the need for co-operation. Middleton took offence at Palmer's mission and tendered his resignation, which Hastings refused to accept, holding him responsible for the satisfactory discharge of the task undertaken. Later Middleton and R. Johnson, his assistant, were recalled, and Bristow, at the urgent insistence of Macpherson, reappointed. Bristow further strained relations with the Nawab and the office of Resident was withdrawn (Gleig, ii. 569-79, Hastings' correspondence with Middleton and Haidar Beg Khan; *ibid.* p. 581; Forrest, Selections, iii. 981, instructions to Bristow; Gleig, iii. 118, Hastings to Scott, 15th Oct. 1783; Forrest, Selections, iii. 1039-46, Consults. 16th Dec. 1783, etc.).

[2] Hastings refused his signature to the draft of a treaty with Tipu, submitted by Lord Macartney, in which the Nawab of Arcot and the Marathas were ignored.—Gleig, iii. 123-6, 138; Forrest, Selections, iii. 1091-1105.

[3] Forrest, Selections, iii. 1055.

[4] Gleig, iii. 202.

purpose ? " It was evident that all the Ministry desired was that he should remain " as a cypher to keep the office open for the gift of their own patronage ". He resolved to depart the following January. The Directors had received his notice of resignation : had they wished him to defer it, they would have apprised him. The moment was opportune. " I cannot go at a time of more quiet or public ease than the present," he wrote to his wife.[1] The end of the war between Britain and France had been followed in December 1783 by peace with the Marathas, and on 11th March 1784 by the cessation of hostilities in the Carnatic. Peace was restored to the Company's possessions : arrangements for the revenue and judicial administration of the provinces were working smoothly : it required only " a united Council and a free hand to establish the Company's possessions on a permanent basis of prosperity ", and this he could not have. Again, he might be able on his arrival in England to assist " in framing some plan for the government of our possessions in India, which may render them more profitable and lasting : or in preventing some plan that may accelerate their ruin ". Such were his sentiments, when, towards the middle of December 1784, he received an imperfect abstract of Pitt's Bill.[2] " It has destroyed all my hopes, both here and at home," he wrote to Scott.[3] " Mr. Pitt's introductory speech is a very unpleasant indication of his disposition towards me, and is in effect more inimical to me, as, under the cover of moderation and candour, it admits all the slanders which Mr. Fox and Mr. Burke rendered ineffectual by the personal rancour which they manifested in their first promulgation of them. It contains the same indiscriminate abuse of the Company's servants, and this is expressed in the same trite epithets, on which he dwells with a most disgusting emphasis and reiteration." " Why, Scott ! " he exclaimed, " What devil has Mr. Pitt dressed for his exemplar, and clothed with such damnable attributes of ambition, spirit of conquest, thirst of blood, propensity to expense and troubles, and improvidence in creating overcharged establishments, disobedience of orders, rapacity, plunder, extortion ! ! ! And am I this character ? ? ? " It was clear that, though it may not have been prudent or convenient for him to propose it, Pitt desired his resignation. He would await definite advices only until the period he had fixed for his departure.

[1] Gleig, iii. 206.

[2] *Ibid.* p. 223. Through a Mr. Boddam.

[3] *Ibid.* 26th Dec. 1784.

Late in December a copy of Pitt's Act arrived. "I have seen, read and abstracted it," he wrote to Scott. "It has determined me. I shall make an early trial of my colleagues on the affairs of Oude: and if they will engage to abide by my engagements there, I will depart as soon as the *Berrington* is ready." [1] Macpherson and Stables (Wheler had died the October preceding) promised to fulfil his arrangements with the Wazir.[2] Nothing now remained but to adjust his personal affairs and notify the Directors of his intended departure. He wrote to them in January 1785.[3] He was quitting, with an aching heart, the scene of his labours, protracted over a long period of thirty-five years. "I do not feel the joy which I ought," he wrote to his wife. "I am too much attached to my public character and its relations, and dread the ruin which I see impending over them." [4]

On 1st February [5] he attended the Council for the last time, and in delivering up the keys of the treasury and Fort generously thanked his colleagues for such support as they had given him, while in magnanimous terms he sought to express his indebtedness to a service which the "clouds of prejudice" and the promptings of malignity and party had branded with corruption. On the 6th he took his passage in the *Berrington*, and on the 7th the shores of Bengal faded from his view. He was sailing home for his reward—"confiscation, disgrace and a life of impeachment".

[1] Gleig, iii. 230.
[2] *Ibid.*; Forrest, Selections, iii. 1131-3, Consults. 13th Jan. 1785.
[3] Gleig, iii. 231.
[4] *Ibid.* p. 217, 26th Dec. 1784.
[5] *Ibid.* pp. 233-5.

CHAPTER VI

THE IMPEACHMENT

A STUDY of the history of the Hastings Impeachment would transcend the limits of this work : it is intended here merely to track Francis through the events which preceded and to connect, though with no pretence to detail, the propositions upon which the impeachment was immediately founded with the substance of the foregoing chapters.

The accepted view is that Burke, to whom Hastings and tyranny were synonymous, impeached the Governor-General of Bengal in the interests of human justice ; that the subsequent policy of Britain in India was influenced by the principles which he courageously enunciated, and that it was he who laid the skeleton of a system which sought to exploit India in the sole interests of a commercial concern. Whether this verdict is endorsed or rejected, Francis, as the source and inspiration of Burke's India policy, must be recognised as the moving spirit in Hastings' Impeachment. In speaking of the early years after his return from India, Francis' biographer remarks, " he evidently took an active part in advising and informing those English politicians who were busily engaged in conducting the movement against Hastings and the Company ".[1] But Francis did not merely " advise and inform "—he was the instigator of the whole movement. Without him that chapter in Anglo-Indian history would never have been written. Not only was he the prompter behind the scenes, but the author, producer and stage manager of the whole performance. Burke, Fox, Dundas, Sheridan—all the host of brilliant orators arrayed against Hastings, were the actors in a stupendous drama, conceived by the tortured brain of Philip Francis.

[1] P. & M. II. p. 219.

§ 1. Events preceding the Formulation of the Articles of Impeachment by Burke

Hastings landed at Plymouth on the 13th June 1785.[1] The voyage home had been completed within five months of the ship's departure from Bengal. He immediately left for London, arrived on the morning of the 16th, visited his friends Lords Thurlow and Mansfield, left his card with Pitt, Dundas and Devaynes, the Chairman of the Court of Directors, and wrote a formal note to inform the Court of his arrival. On the 17th he had a private interview with Pitt. Later he saw Dundas, the real power in the recently instituted Board of Control.[2] With him as with Devaynes, in the hope that "it would be an antidote to the poison of false '*statements*',[3] he left the 'Memorial on the State of India',[4] which he had drawn up during the voyage and which is now regarded as a precious document on the foundation of the British Empire in India.

Hardly had the usual civilities been exchanged when, on 20th June, within a week of Hastings' arrival, Burke gave notice in the House of Commons that he "would at a future day make a motion respecting the conduct of a gentleman, just returned from India".[5] But the gauntlet flung down appeared to pass unnoticed. Two days later, on being presented at Court, Hastings was honoured with a very gracious reception.[6] On the 28th he went to the Directors by appointment, was received with every mark of distinction, presented with their unanimous vote of thanks, and dined with the Court at the London Tavern. On London Society he made a deep impression.[7] His well-informed

[1] Gleig, iii. 239, Hastings to Thompson, 21st July 1785; Extracts from Hastings' Private Diary, reproduced in Lawson's *Hastings*, pp. 45-7. Now B.M. Add. MS. 39879.

[2] Wraxall's Memoirs, iv. 11 & 451; Lovat-Fraser, *Henry Dundas*, p. 18: "Henry Dundas . . . is now Lord Paramount of East India Affairs, with a sway more absolute tho' less noble because not avowed, than Charles Fox on his triumphal Elephant."—G. Johnstone to Hastings, 6th Oct. 1785, B.M. Add. MS. 29169, p. 56; also Add. MS. 29168, Scott to Hastings, 9th & 16th Mar. 1785.

[3] Gleig, iii. 243, Hastings to Thompson, 22nd Sept. 1785.

[4] *Memoirs Relative to the State of India, 1786.* There are several copies at the India Office and B.M. Francis declared of it, "a more silly, stupid, and impudent piece of falsehood was never exhibited".—Letter to Sir Robert Chambers, 20th Dec. 1786, P. & M. II. p. 253.

[5] Wraxall's Memoirs, iv. 150; Annual Register, 1786, p. 147.

[6] Gleig, iii. 242; *Hastings' Diary*, Lawson, p. 46.

[7] "I was extremely pleased, indeed, with the extraordinary plainness and simplicity of his [Hastings'] manners, and the obliging openness and intelligence of his communication."—F. Burney to Dr. Burney, 24th Sept. 1785, Diary and Letters of Madame D'Arblay, ii. 10. "I am quite charmed with Mr. Hastings . . . he appears to me to be one of the greatest men now living, as a public character; while, as a private one, his gentleness,

mind, courtly unassuming manner and buoyant disposition charmed all with whom he came in contact. His wife shared in the interest he awakened wherever he went and contributed to the general impression in his favour. He was, in fact, more than pleased with his reception. Friends, however, felt that Pitt ought to bestow on him some official mark of honour. But Pitt was cold and aloof.[1] Report declared he refused to entertain the question of an honour, while Burke threatened to bring criminal charges against Hastings in the approaching meeting of Parliament.[2]

Hastings, for his part, was not perturbed at Burke's motion of 20th June. "Whether this man really means what he has threatened", he wrote to his former secretary, Thompson, at Calcutta, "I know not, having heard nothing about him for many months, nor have I ever made him the subject of my inquiries."[3] Now that he was at hand to defend himself and the service in which he had spent his life, he would welcome an inquiry, for he ached to vindicate the honour of a body which the Resolutions of the Commons and Pitt's Act had aspersed.[4] Immediately on his arrival he had set to work to attempt "to undo the mischiefs created by the last [Pitt's] Indian Act",[5] and was engaged with Lord Thurlow in a private correspondence on the subject, pointing out mischievous clauses and suggesting heads for a new Bill.[6] Moreover, he was confident of carrying his amendments. What did distress him was not Burke's threat of an inquiry, but the

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candour, soft manners and openness of disposition, make him one of the most pleasing." —*Ibid.* p. 60, 24th May 1786; Nicholls' Recollections, i. 277; B.M. Add. MS. 29169-70, Letters to Hastings.

[1] Gleig, iii. 242; B.M. Add. MS. 29168, Scott to Hastings, 4th Feb., 9th & 16th Mar. 1785.

[2] Gleig, iii. 270, Hastings to Thompson, 19th Dec. 1785.

[3] *Ibid.* On Hastings' attitude to Burke see also Wraxall's Memoirs, iv. 329. "Burke and I", writes Scott to Hastings, 4th Feb. 1785, "are fairly pitted, in truth, he is a contemptible enemy, even with the assistance of Francis; for tho' possessing a wonderful genius with great abilities, and great application, his judgment is so miserably unsound and his prejudices so strong, that an infant would impose upon him, was he to fabricate any absurd tale derogatory to your honor, or disgraceful to our national character in India." —B.M. Add. MS. 29168, p. 18.

[4] *Ibid.* "He [Hastings] spoke with the utmost frankness of his situation and affairs and with a noble confidence in his certainty of victory over his enemies, from his consciousness of integrity and honour, that filled me with admiration and esteem for him." —Madame D'Arblay's Diary, ii. 60, 24th May 1786.

[5] Gleig, iii. 241.

[6] "I have drawn up a series of arguments in examination of Mr. Pitt's Act and heads for a new one."—Hastings to Thompson, 19th Dec. 1785, Gleig, iii. 269; B.M. Add. MS. 29169, pp. 148-65, Hastings-Thurlow Correspondence. Hastings recommended that "The Government of Bengal and its Dependencies be vested in a single person; that is to say, in a Governor without a Council."

series of scurrilous, anonymous publications which began to appear soon after his arrival. These, while they served to poison public opinion, disarmed any attempt at refutation, for to have replied to them would have involved recognition, and it was beneath his dignity to notice them. Re-editions of the anonymous pamphlet publications of 1782–3, they were evidence sufficient that Francis was not idle.[1]

Parliament had dispersed for the recess ; but Francis' labours never ceased. In September Burke returned with Windham from a tour in Scotland.[2] Windham now became a new recruit to Francis' cause.[3] Frequent meetings[4] followed between the arch conspirators, the bond of union being cemented by the intimate friendship which had developed between the two families. Hastings and India could be amicably discussed over a friendly 'dish of tea'. It was the standing topic of conversation. "I do not well see", writes Burke to Francis, 23rd November 1785, "how the East can be kept out of our conversation ; but if I were to choose, it should make mere matter of conversation and not the subject of a business consultation. There can be no difference between us on the general principles of Indian politics. On the same abstract view of things the plan of conduct you propose must meet the approbation of almost everybody."[5] The next few months were spent in marshalling evidence and drawing up the plan of procedure. The growing popularity of Hastings was disquieting, but to Francis an incentive to speed up action. The Opposition, however, was troubled. Fox had to be cajoled to remain staunch, while even Burke despaired of the projected campaign as a successful party measure. "In a party light and as a question to draw numbers," he writes to Francis on 10th December 1785, "whatever modification we may bestow upon our motion, a worse cannot be chosen out of the whole bundle of political measures."[6] Fox could not be expected to support the measure as a party issue, but "as concurrent with his own opinion

[1] Madame D'Arblay's Diary, ii. 121-3, newspaper attacks on the private character of Mrs. Hastings: re-editions of *A State of the British Authority*, etc., and the other pamphlets noticed in Chap. V. are dated 1785–6.

[2] P. & M. II. p. 245, Burke to Francis, 30th Sept. 1785 ; Windham's Diary, p. 66.

[3] *Ibid.* "Windham is the god they worship and swear by in that [Francis'] family ; and with very good reason, for his defence of Francis and the appearance he made on that occasion [Debate in Commons, Dec. 1787, when Francis was excluded from the Managing Committee] were titles enough both to the gratitude and affection of the house of Francis and to general fame."—Gilbert Elliot to his wife, 3rd Jan. 1788, *Life*, i. 187.

[4] Francis MSS. No. 62 ; P. & M. II. pp. 245-9, Burke's letters to Francis ; Burke's Correspondence, iii. 44, etc.

[5] P. & M. II. p. 245.

[6] Burke's Correspondence, iii. 38.

and with his own principles and not as a point he means to exert strength to carry". This being the case, the conspirators were not prepared " to admit the aid of Opposition's opinions ". They would not digest several very important matters which both Burke and Francis regarded as essential. " If ", writes Burke to Francis, " we do not resolve, (I mean, if you and I dually do not resolve) to consult only the cause and not the support, I pledge myself to you that we shall neither have cause nor support. Whereas, if the matter is planned and settled without them, only taking care that they are well instructed, there are many things which they could never permit in consultation, which in debate they must support, or disgrace themselves for ever." It was, therefore, not surprising that when the Opposition leaders attempted to persuade Burke to abandon his design on Hastings, at least for the time being, their appeal was repulsed.[1] Burke was obdurate, declared his intention to be known and avowed, that he had never stated it to be in concert with anyone and that he could not and would not retract.

On 24th January 1786 Parliament reopened. Major Scott rose to remind Burke of the notice he had given at the close of the previous session.[2] The challenge was immediately accepted. Fox assured Scott " the business would not be neglected ". Burke rose and delivered his famous rejoinder that a general did not consult the enemy as to the time or plaee of a battle. But he did not keep them waiting long. On 17th February [3] he asked for the Resolutions of 28th May 1782, founded on the Reports of the Committees of Inquiry, to be read and then moved in a Committee of the whole House for " copies of all correspondence since the month of January 1782, between Warren Hastings, Esq., late Governor-General of Bengal, and the Court of Directors . . . as well before as since the return of the said Governor-General relative to presents and other monies privately received by the said Governor-General ".

This motion is considered as the opening of Hastings' trial. Wraxall and other more recent writers have given it as their opinion that but for the action of Major Scott in making the first move against the enemy the whole affair might have been avoided.

[1] Gleig, iii. 276. At a meeting of the Opposition leaders at the House of the Duke of Portland, a few days before the reopening of Parliament.

[2] " He (Hastings) desired Major Scott . . . to ask Mr. Burke what he meant by his abuse of Mr. Hastings—he desire(d) to be impeach(ed) that he might clear his character of vairious (*sic*) cal(umnies) which had been throughn (*sic*) out against him."—Note by Mrs. Hastings, B.M. Add. MSS. 41606.

[3] Parl. Hist. xxv. p. 1060.

This is scarcely sound. It ignores the fact that the whole plan of campaign had been decided upon, even prepared before the close of December 1785, when Burke sent Francis the rough draft of the first article of charges they had planned together. "I have sent you the first scene of the first act—the Rohilla War," he writes to Francis on 23rd December 1785. "You will make it what it ought to be."[1] Again it discounts the implacable spirit of the man who inspired the phalanx against Hastings. "Wonders have already been done by the perseverance of two individuals, against the whole kingdom and against every power and influence in it. Burke and I regard no difficulties but go on," wrote Francis to Mackenzie in India.[2] An attempt at impeachment was inevitable: the circumstances which contributed to make it a reality are another story.

Burke's motion for the production of certain correspondence called forth an animated debate.[3] An objection was raised that the forms of the House required that an accuser should first state his case and then call for the production of documents to support it. Burke complied with a short abstract of proposed charges. But when on 3rd March, and again on 17th March, papers were called for bearing on the charges against Hastings with respect to the conduct of the Maratha War and his treatment of the Moghul, the demands were resisted.[4] Repulsed in these initial manœuvres, Burke brought forward on 4th April 1786[5] eleven out of the twenty-two charges on which it was proposed to ground the impeachment. Another five were added in the course of the week; five again on the 28th and 29th of April and the remaining charge on the 5th of May.

§ 2. Francis and Burke's Propositions of Impeachment[6]

The 1st article of the charges dealt with the Rohilla War: the 2nd denounced Hastings' treatment of the Moghul, Shah Alam: the 3rd charged him with extortionate conduct towards the Raja of Benares and with illegal dispossession of an independent prince:

[1] Burke's Correspondence, iii. 38-44, Burke to Francis, 10th Dec. 1785. 'Plan of Procedure' discussed.

[2] *The Francis Letters*, ii. 363.

[3] Parl. Hist. xxv. pp. 1060-95; Wraxall's Memoirs, iv. 258-61.

[4] Parl. Hist. xxv. pp. 1182-1202 & 1248-66; Wraxall's Memoirs, iv. 274; Pitt maintained that the documents contained secret matter, and that Hastings' treaty with the Marathas merited not censure but applause.

[5] Parl. Hist. xxv. pp. 1383, 1394 & 1411; Wraxall's Memoirs, iv. 300-9.

[6] There are several copies of the 'Articles of Charge' and 'Abstracts' of the same, printed by Stockdale in 1786, in the B.M.

the 4th with subjecting the Wazir of Oudh and his family to numerous and insupportable hardships: the 5th and 6th with impoverishing and depopulating the State of Ferrukabad and the Province of Oudh: the 7th with "wanton, unjust and pernicious misuse of powers in overturning the ancient Establishments of the Country", and exerting an undue influence by conniving at extravagant contracts and appointing inordinate salaries: the 8th with receiving money against the orders of the Company, the Act of Parliament and his own solemn engagements, and applying that money to purposes totally improper and unauthorised: the 9th with having resigned by proxy for the obvious purpose of retaining his situation and denying that deed in person, in direct opposition to all those powers under which he acted: the 10th with treachery to certain persons placed under his guardianship: the 11th, 12th and 13th with perpetrating enormous extravagances and bribery in various specified instances and contracts with a view to enrich his dependents and favourites: the 14th with treachery to the Rana of Gohud: the 15th attacked his revenue policy: the 16th charged him with "misdemeanours in Oude": the 17th with maltreating Muhammad Riza Khan: the 18th with delivering the Moghul over to the Marathas: the 19th with having uttered a libel on the Court of Directors in his letter to them of 20th March 1783, in which, by exposing their vindication of Chait Singh, he had aimed "to bring a contempt as well as an odium" on that body, and to excite in the Company's servants a spirit of disobedience to the lawful authority set over them: the 20th with "inciting and promoting the late unprovoked and unjustifiable war against the Mahrattas", and "embarrassing and retarding the conclusion of peace": the 21st with concealing from his Council and the Directors his correspondence with the country powers: and the last with "violating the rights of Fyzoola Khan".

These can be classed under two main heads; the charges on the score of policy and the charges on the ground of personal corruption. In the first place it was proposed to indict Hastings on those questions of internal, revenue and foreign policy in which he had differed from Francis; [1] in the second, on the score of personal corruption in receiving moneys for his own use, in distributing to his adherents offices with large salaries attached and in granting illegal contracts to his friends.

Articles 1 to 6, 14, 16, 20 to 22 reviewed the problems of

[1] See Chap. III.

foreign policy. The Rohilla War, the relations of Oudh with Bengal, the Maratha War, the alliances and negotiations arising out of its conduct and the prosecution of the War in the Carnatic were discussed in detail. In each the attitude of Francis towards every question was adopted as sound. His principles being just and politic, Hastings' were the negation of both justice and policy and in consequence corrupt: he was to be impeached for "high crimes and misdemeanours" in every instance in which he had stood opposed to Francis. The materials for the Rohilla charge were drawn from the Majority's representations, discussed in Chapters II. and III., while Francis' views with respect to the Mohgul were enlarged upon as the most enlightened and politic. It was shewn that disaster had overtaken the concerns of Oudh because here Francis' views had not prevailed. The Majority's Treaty of Fyzabad,[1] the initial cause of the distresses of that province, was extolled as embodying every wise principle. Oudh had become a prey to anarchy when Hastings scouted the Majority's wise principles, appointed his own agents to the office of Resident, devised new military plans, and consummated a policy of iniquity by extorting from the helpless Begums, by unprecedented methods of torture, the State treasury, to which they laid claim by every right of inheritance. The articles dealing with the Maratha War were a digest of the minutes delivered in by Francis at the meetings of Council[2] while the measure was in agitation. His demonstrations against the conduct of the war, his prophecies of disaster, their fulfilment, his arguments against distant expeditions and his repeated declarations that the war had been pursued in violation of every principle of faith and in direct disobedience to the orders of the Company, were given in full. His protests were enlarged upon. It was shewn that Hastings had been able to pursue his ambitious schemes of conquest because Francis was in a minority in Council and powerless, that he had almost lost his life in a duel to vindicate his principles. Again, his representations[3] against Hastings' negotiations with Berar, his views on the projected alliance with Sindhia, on Alexander Elliot's mission and the subsequent negotiations, on the Rana of Gohud, reviewed in the 'Memorial' he had drawn up during the voyage home and re-discussed in his anonymous publications of 1779–1782, were incorporated and expanded. In the language of the Reports

[1] See Chaps. II. p. 30, & III. p. 90.
[2] See Chap. IV.
[3] See Chap. IV. p. 119, & App. IV. Nos. 14.

of the Committees of Inquiry it was asserted "that in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated disgraces and great calamities have been thereby brought upon India",[1] and in conclusion, on the statements of Lord Macartney, elaborated by Francis in his speech of 1784[2] in the House, it was affirmed that Hastings had wantonly embarrassed negotiations for peace with Tipu Sahib and retarded the conclusion of that event.

In the article on the Benares charge the arguments adduced to prove the independence of Chait Singh were founded on Francis' minutes of 7th July 1778 and 26th September 1780.[3] These had been incorporated into the Reports of the Select Committee in 1782,[4] and adopted in the Commons Resolutions of 28th May[5] and the Court's 'general letter' of 28th August 1782.[6]

Articles 7 and 17 dealt with questions of internal administration. Here again the system advocated by Francis was upheld. Hastings was deemed to be impeachable for having, in the words of Francis' pet phrase, "overturned the ancient Establishments of the country", disobeyed the repeated injunctions of the Court of Directors to continue the Country Government, reduced the Nawab to a cipher, divested Muhammad Riza Khan of all authority, resisted the evident intention of the Company to readmit him into their employ, and by mischievous innovations, especially in the administration of justice, brought the Company's possessions to the verge of ruin and the inhabitants of Bengal to misery and degradation.

Article 15 charged Hastings with corrupt administration of the revenues of Bengal. It discussed in Part I. the problem of revenue settlement; in Part II. those of collection. Part I. comprised a summary of Francis' representations against Hastings' system of 1772, of his plan of January 1776, of his letter to Lord North of September 1777 and of his minutes of November 1776 to April 1777 against the Amini office. The zemindar-ownership theory with the history of the attack made upon it by Hastings was reagitated. Property in land was averred to be hereditary in Bengal and with few exceptions vested in the zemindars. This right of property had been held

[1] Articles of Charge, No. 20.
[2] Parl. Hist. xxiv. pp. 1050-7, 2nd July 1784.
[3] See Chap. IV. p. 119.
[4] 2nd Report from Select Committee, 1782.
[5] Parl. Hist. xxiii. pp. 75-6.
[6] Bengal Despatches, vol. 12, p. 575.

sacred in the best days of the Moghuls. In 1770 a terrible famine had desolated the provinces and carried off a great part of the population, and in the face of this Mr. Hastings had made an arbitrary settlement of the revenues for five years at a higher rate than had ever before been realised and with a progressive and accumulating increase. He had further dispossessed the zemindars and destroyed all rights of private property in Bengal, by putting their lands up to auction for the purpose of "raising the greatest possible revenue" from the country. Part II. denounced the Committee of Circuit of 1772, the institution and abolition of the Provincial Councils and the Revenue Board of 1781.

Read in the Commons on 19th April [1] by Francis, this article was to have constituted his main 'part' [2] in the drama of impeachment in Westminster Hall, had not the vote of the House excluded him from the Managing Committee. It was regarded by Burke as one of the most important and incriminating of the charges, because it was Francis' very special *bête noire*—a subject he never tired of discussing. "I had the least doubt of all as to the revenue charge," Burke wrote to Dundas on 20th April 1787,[3] "thinking it next to that of the Rohillas, the most atrocious: nor is this the opinion of the moment. To put the whole landed interest of the country to auction and farm out the estates, whatever their tenure might be, to the lowest of the black representatives of a few gentlemen at Calcutta, appeared to me a matter of such enormity, that if all the rest had been rejected, this must have stood."

The charges preferred on the ground of personal corruption related to incidents to which Francis had either taken exception while in Bengal or made matter for comment since his return. Number 7, charging Hastings with having corruptly granted in September 1777 a contract to E. A. Johnson for "providing draught and carriage bullocks", referred to the 'job' denounced by Francis in his Diary,[4] because he had not had sufficient interest, being in a minority in Council, to carry it for a partisan. No mention is made of corruption in the distribution of offices during the period of the Majority's rule. It was only on the loss of his majority in 1777 that Francis began to discover that all appoint-

[1] Parl. Hist. xxvi. p. 913.

[2] Burke's Correspondence, iii. 67, Burke to Dundas, 8th Dec. 1787.

[3] *Ibid.* p. 54.

[4] "Job for Johnson. Hastings sometimes has qualms. Barwell never."—Entry 9th Oct. 1777, P. & M. II. p. 109; and see App. V. No. 1*a*.

ments, even the most essential, were jobs. A contract granted in January 1777 to John Belli for the supply of military stores to Fort William was a corrupt job, because Clavering had intended it for a protégé of his own.[1] It was on this sort of evidence that Burke called Hastings " a fraudulent bullock contractor ", and Macaulay endorsed the epithet.

Article 8, dealing with the acceptance of presents, discussed the Nuncomar episode, detailing the life story of the wily Brahmin, with the history of his trial and condemnation as related by Francis to the Select Committee in 1783[2] and reproduced in his anonymous publications. Nuncomar, it was stated, remained Hastings' accuser since the charges preferred by him had never been challenged and must therefore be considered to have been founded in fact. In this charge the impeachment of Sir Elijah Impey originated.[3] Chait Singh's two lacs, employed by Hastings in June 1780, against the protests of Francis, to meet the expenses of Major Camac's expedition, and the Wazir's offer of ten lacs, made through Middleton in February 1782 but never accepted by Hastings,[4] were further incidents of corruption specified. The charge was that of converting to his own use enormous sums accepted for the needs of the Company.

Article 9 held that it was a " high crime and misdemeanour " in Hastings to have " resigned by proxy and then denied his resignation," since the action had prevented Clavering succeeding to the Chair. The substance for this charge was drawn from the anonymous pamphlet entitled ' Mr. Hastings' Resignation, etc.', printed and published in 1781 and noticed in Chapter V.

The drafting of the ' Articles of Charge ' was, in the main, the work of Francis. " I am nearly overwhelmed ", he writes to Bristow on 15th April, 1786, " with the toil that has fallen unavoidably to my lot in preparing and conducting the impeachment." [5] The selecting of materials was in itself a colossal undertaking, since every article comprised voluminous abstracts of the Consultations, of the Court's ' general letters ', of the evidence before the Committees of Inquiry, of private letters with digests of plans and extracts from anonymous publications. For events

[1] B.S.C., Range A. 40, Consults. 13th Jan. 1777.

[2] 11th Report from Select Committee, 1783.

[3] This formed the first charge on which a motion to impeach Impey was debated and defeated. See Stephen, *Nuncomar and Impey*, ii. 7.

[4] Hastings instructed Palmer (6th May 1782) to refuse the gift for him, but to accept it for the Company were the offer renewed. It was used to discharge part of the Wazir's obligations to the Company.—Gleig, ii. 562, 569 & 577.

[5] P. & M. II. p. 247.

which had occurred since his departure from Bengal he trusted to the information of Bristow, Shee, Hay and Chambers, and this involved much correspondence and solicitation.[1] "As in my private judgment", he writes to Bristow, on 15th April 1786,[2] "the business of the impeachment will not be concluded in the present session, do not act on a presumption that anything you have still to transmit will arrive too late, but send everything you have by every opportunity." Again the actors had to be coached in their parts.[3] Preliminaries were discussed at Brooke's Coffee House—their 'rendezvous'—and the finishing touches given by Francis at his home at Sheen.[4]

Contemporary opinion shared the view that he was the power behind the movement. In the 'doggerels' and 'caricatures' of the period he was painted as the 'prompter' behind the scenes.[5] Nicholls in his 'Recollections' says, "The charges brought forward by Mr. Burke against Mr. Hastings were on those subjects which had been a matter of discussion between Mr. Francis and Mr. Hastings, while the former gentleman was in India: the impeachment of Mr. Hastings was a continuation of Mr. Francis's opposition to Mr. Hastings' government. . . . All the materials for the twenty-two charges brought forward by Mr. Burke were furnished by Mr. Francis. And Mr. Burke had sufficient influence to prevail on Mr. Fox to support the charges with the whole strength of Opposition." Burke never hesitated to acknowledge his indebtedness to Francis. "I am so much yours," he writes to him on one occasion, "and have so much of yours, that your triumphs puff me up as with a sense of personal merit."[6]

[1] "You draw pictures to admiration. As long as the scenes shift, pray let your pencil be employed."—Francis to Shee, 4th Dec. 1786, P. & M. II. p. 250; *ibid.* pp. 251-5, Francis to Sir R. Chambers, 20th Dec. 1786, and to Hay, 22nd May 1787. See App. VI.

[2] P. & M. II. p. 247.

[3] Francis MSS. No. 62; P. & M. II. p. 253, Burke to Francis, 15th Dec. 1786 and 2nd Jan. 1787; Windham's Diary, p. 77; Gilbert Elliot's *Life and Letters*, i. chaps. v. & vi. On 3rd Feb. 1787 Burke writes to Francis, "Sir James Erskine is here. I thought you had promised to dine with us. I wish to see you in the evening; and as early as you can prevail on yourself to leave the very good company you are in. Sir James wishes to fix a part and I think we are a good deal agreed in opinion about it; but I can resolve nothing without you. The matter he wishes to go upon will require some previous arrangements." —Francis MSS. No. 62, f. 17.

[4] Windham's Diary, pp. 77 & 101; P. & M. II. p. 246, etc.; Francis MSS. No. 62.

[5] Nicholls' Recollections, i. 276-80; Wraxall's Memoirs, iv. 303-4, 430 & 446; *e.g.* Sayer and 'The Letters of Simpkin the Second to his dear brother in Wales'.

[6] P. & M. II. p. 257. See also Burke's Correspondence, iii. 60-8, Burke to Dundas, 7th & 9th Dec. 1787; the Francis MSS. No. 62 and pp. 146 n., 176.

§ 3. The Propositions before the Commons

It was this heterogeneous mass of unassorted materials, of bitter invective, cunning insinuation, irrelevant accusation and diffuse arguments—a survey, in short, of the productions of Francis since 1774, on which Burke asked the House of Commons to carry the impeachment of Hastings. He presented a confused collection of matters in themselves distinct on which he demanded a single verdict. In his letter to Anderson of 17th September 1786 Hastings wittily sums up the situation. "To ask", he writes, "a mob of giddy and uninformed men, is Mr. Hastings impeachable for having paired his nails, shaved his beard, put on two stockings not fellows, got drunk on the King's birthday, eat bad rice instead of wholesome (flour ?) and entertained a treasonable design against Cheyt Sing, etc., including 500 affirmations, some of which were true but innocent; some blameworthy on a good principle; some wrong, but of no consequence; some right but applied to wrong construction; and many strictly right and most meritorious, but contrary to a false, wicked or dangerous principle which Mr. Burke would establish in the stead of mine :— what is this but to punish me because the House of Commons cannot solve his enigmas ?" [1]

This form of presentation was the result of conscious design. "I find myself", writes Burke to Francis, 10th December 1785,[2] "not in the least inclined to abandon any one solid ground of charge which I have taken up in any report, speech, or public proceeding whatsoever, or which I find strongly marked in the records which I have by me. My reason is this—Even in a temper less favourable to Indian delinquency than what is now generally prevalent, the people at large would not consider one or two acts, however striking, perhaps not three or four, as sufficient to call forth the reserved justice of the State. I confess I partake myself so far of that coarse, vulgar equity, that if I found the general tenor of a man's conduct unexceptionable, I should hardly think the extreme remedies fit to be resorted to, on account of some wrong actions during many years continuance in an arduous command. Of this I am certain, that a *general evil intention* manifested through a long series and a great variety of acts, ought to have much greater weight with a public political tribunal, than such detached and unrelated offences into which common human infirmity has often betrayed the most splendid characters

[1] Gleig, iii. 300.

[2] Burke's Correspondence, iii. 38.

in history. Such a series of offences, manifesting a corrupt, *habitual* evil intention, may be produced: and nothing but a series of such facts can furnish, in my opinion, a satisfactory proof of it."

Strange how Francis reaped the harvest of his sowing. Every action of Hastings he had uniformly attributed to 'evil intention' which he had declared to be 'habitual' with him. This view had become incorporated, through different channels, but all emanating from the same source—Francis—into the records of Parliament. The records are then digested by Burke who, with a mind already prejudiced and inflamed by the presence of Francis, assimilates this view and extracts from the same poisoned source the materials for his charges, which he forwards to Francis with instructions "to assign the criminality, to fix the species of that criminality and to select such circumstances as lead to presumptions of private corrupt views".[1] In his letter to Francis of 23rd December 1785 he writes, "I believe most of the particulars are in the reports of the Committee of Secrecy. I never read a transaction which contained such a number and variety of misdemeanours. It is a fistulous sore, which runs into a hundred sinuosities. I am sure there are more than I have stated [in the Rohilla draft]: but you are to judge whether there be enough of them marked, as you are of all the rest."

On 4th April 1786 the first eleven charges were presented.[2] Hastings petitioned to be heard in defence. Burke attempted to negative the appeal, but it was granted.[3] May 1st and 2nd were occupied with the reading of Hastings' vindication.[4] Then followed the examination of witnesses called by Burke to prove various allegations of a criminal nature.[5] On 1st June opened the debate on the first charge.[6] Dundas, the original mover of the vote of censure on Hastings of 28th May 1782, spoke against the motion.[7] The Ministry supported him. Pitt voted with the majority that the conduct of Hastings with respect to the Rohilla War was not deserving of censure.[8] The motion was

[1] Burke's Correspondence, iii. 44.

[2] Parl. Hist. xxv. p. 1394.

[3] *Ibid.* p. 1413. Carried by 139 to 80 votes.

[4] *Ibid.* pp. 1413-16; Wraxall's Memoirs, iv. 315-18.

[5] Parl. Hist. xxv. p. 1416; Wraxall's Memoirs, iv. 324-7. Middleton and Sir Robert Barker were called to give evidence on the suppression of the Oudh Correspondence, the Rohilla War, etc.

[6] Parl. Hist. xxvi. p. 37; Wraxall's Memoirs, iv. 327.

[7] *Ibid.* pp. 87-9; Wraxall's Memoirs, iv. 331. Dundas maintained his condemnation of the policy of the Rohilla War; but contended that Hastings had since that event been reappointed Governor-General, which amounted to a tacit, if not an avowed pardon.

[8] Wraxall's Memoirs, iv. 334. Pitt did not speak.

lost. Hastings' friends were triumphant: the Opposition despondent.[1]

On 13th June [2] Fox opened the debate on the Benares charge. In a speech charged with invective and malignant denunciation of Hastings, he vindicated the independence of Chait Singh, painting a repellent picture of Hastings' designs upon him, and gave a history of the insurrection at Benares. Francis seconded the motion. Pitt now rose. The House was crowded.[3] A Treasury circular had been despatched, it is said, the previous evening urging the supporters of the Ministry to attend, presumably to vote against the motion. Enthusiasm accompanied the rising of Pitt. It continued throughout the greater part of his speech: then came to a sudden halt. Pitt had refuted Fox's contention that Chait Singh was not a vassal of the Company, had demonstrated that he was, that in consequence he was liable to be called upon to contribute to the defence of the Company's possessions, that he had been guilty of gross delinquency, that Hastings was therefore justified in seeking to punish him by the infliction of a fine, and then suddenly he turned ; in proposing to exact from Chait Singh a fine of 50 lacs, Hastings had, he held, intended to inflict a penalty utterly disproportionate to the offence and therefore shamefully exorbitant and he must, in consequence, find him deserving of censure upon this point.[4] Confusion followed. The House, says Macaulay, was thunderstruck. Those who were unable to follow Pitt's reasoning voted as directed on the circular against the motion. The majority, however, followed Pitt. The vote was practically decisive. It inspired the Opposition with a new lease of life. The measure before despaired of as a party cry became a national one.[5] The House was practically committed to the impeachment of Hastings.

This action of Pitt ranks among the enigmas of history. Writers have puzzled to explain what is commonly regarded as

[1] Wraxall's Memoirs, iv. 333. "I am far from well. But nothing shall hinder me from being in the House on Thursday. I have various thoughts to communicate to you for your opinion. I am as far afield, as I can be without consulting you, that we ought by no means to lose our hold of this Rohilla Business. I wish Mr. Fox could for a while postpone the other. . . . All this is of course to be well digested. I have talked to Fox. But his postponing (if that should be the course—the Benares question) will be a point of delicacy."—Burke to Francis, 1786, Francis MSS. No. 62, f. 15.

[2] Parl. Hist. xxvi. p. 91 ; Wraxall's Memoirs, iv. 336.

[3] Wraxall maintains that the House was drawn by curiosity as to the part Pitt would take in the discussion, and that, with the single exception of Dundas, Ministers were ignorant of the line he meant to take.—Memoirs, iv. 336.

[4] Parl. Hist. xxvi. pp. 110-15 ; Wraxall's Memoirs, iv. 339-42.

[5] Burke's Correspondence, iii. 48, Burke to Dundas, 25th Mar. 1787.

his "change of front", and various theories have been advanced. Macaulay's view is that Pitt's reason was no reason, that he had softened down the charge until it became no charge and then declared that it presented matter for impeachment. The inference he draws is that something had occurred to induce Pitt to abandon Hastings and as he could not in his own conscience convict him on the main charge he had resort to a device. To substantiate this view Macaulay relates a story, attributed to Hastings thirty years after these events (but confirmed by the entries in his *Diary* of 1786), that Dundas had called upon Pitt early on the morning of the 13th and prevailed upon him, after three hours' discourse, to abandon Hastings. The motives which inspired both Pitt and Dundas are said to have been jealousy of the influence Hastings would exert in the country were the prosecution against him to be defeated. Dundas would have in him a rival at the Board of Control, and Pitt a dangerous aspirant to His Majesty's favour.[1] Lord Rosebery,[2] on the other hand, and Dr. Holland Rose[3] endorses his conclusion, maintains that after the debates on the Rohilla charge, which Pitt and Dundas discussed in private, the former was led to the conviction that he could not in conscience defend Hastings and associate his own government with the despotic acts which had marked Hastings' administration.

The difficulty originates with the assumption that Pitt had, in the first instance, intended to defend Hastings—an assumption demonstrably false. Neither Pitt nor Dundas had any partiality for Hastings. Pitt's Act was an indictment of Hastings' whole government: his attitude since his return, one of cold disapproval. Dundas had ever distinguished himself by a marked hostility. True, he was understood to have dropped this on coming into office with Pitt, but the disguise had never been very thorough. The two Ministers were close confederates,[4] while Robinson, Atkinson and Co., who directed their India policy, had been the champions of the recalcitrant members of Council against their Governor-

[1] Hastings recorded in his *Diary*, 5th July 1786 (B.M. Add. MS. 39880), that Pitt was influenced by Dundas' jealousy, that he was ready "to reject every political charge, but not the presents nor . . . such as related merely to myself", and that he was "dispirited" and "wished to get rid of the enquiry"; also Wraxall's Memoirs, iv. 256-7 & 342. Nicholls, in deriding this view (Recollections, i. 272), says, "I think he [Pitt] consented to the Impeachment, because he saw the control which he should obtain over the Opposition by such acquiescence; and his expectations were answered."

[2] Rosebery's *Pitt*, p. 91.

[3] *Life of Pitt.*

[4] Wraxall's Memoirs, iv. 10-12 & 460; Lovat Fraser, *Henry Dundas*; B.M. Add. MS. 29168, Scott to Hastings. 9th Mar. 1785.

General and actively adverse to Hastings. That Pitt had ever harboured a serious intention of constituting himself Hastings' champion cannot therefore be contended. Why then had the Ministry exonerated Hastings on the Rohilla charge and issued a circular to their adherents to attend to vote against the Benares charge ?[1] This, perhaps, hardly requires an explanation. It was the duty of the Ministry to exert its influence to defeat a motion brought by the Opposition. Pitt, however, was not prepared to champion Hastings indefinitely merely to defeat Opposition : he therefore compromised : he defeated the arguments advanced by the Opposition leaders, but coupled it with a measure of censure on Hastings. All that Pitt said was that he could " not acquit Hastings of the whole of the charge brought against him ",[2] and in the interests of consistency and his own Act of Parliament he could not. What has given colour to Macaulay's view is that Pitt's censure turned the scale and made the impeachment a reality ; but it did so more decidedly than Pitt had intended, committing him to a course he had never desired to adopt. This is clear from the debates on the other charges, when, despite the assertion that the drooping minorities were immediately turned into brilliant majorities, the Ministry sought rather to embarrass and retard the motions than to assist them in their progress through the Committee ;[3] while Burke's correspondence with Dundas is further illuminating. Dundas is constantly urged to convince Pitt that he has committed himself to a course from which he dares not in honour retract and that the penalty of inaction will be the combination of a hostile administration under the leadership of Hastings to seize the government and oust Pitt from power. " If ", writes Burke to Dundas on 25th March 1787,[4] " Mr. Pitt does not speedily himself understand and give others to understand that his personal reputation is committed in this business—I am far from being able to answer for the ultimate success when I consider the constitution of the late minorities, combined with the political description of the absentees," and, " a body of men in close connection of common guilt and common

[1] Holland Rose points out that it was on a technical point—the fact that Hastings had been three times continued Governor-General since the events of 1774—that Pitt opposed the Rohilla charge, and further that there exists no evidence for the statement that the ' treasury circular ', if despatched at all, was to urge members to vote against the motion.

[2] Parl. Hist. xxvi. p. 110.

[3] *Ibid.* p. 309. In the adjourned debate on the Oudh charge (8th Feb. 1787), Francis rose and inferred an accusation against Pitt of desiring to retard the motion, so that those who had not heard Sheridan's speech might be called to defeat it.

[4] Burke's Correspondence, iii. 44.

apprehension of danger, with a strong and just confidence of future power if they escape, with wealth and influence . . . is not forming but actually formed in this country: this body is under Mr. Hastings as an Indian leader and will have very soon, if it has not already, an English political leader too. This body if they should now obtain a triumph would be too strong for your Ministry or for any Ministry. . . . The triumph of that faction will not be over us, who are not the keepers of the Parliamentary force, but over you."

On 16th June 1786 a motion for adjournment to the following session was carried by Burke.[1] When Parliament met after the recess, the debates on the charges were resumed on 7th February 1787, continuing until 3rd April,[2] when Burke's motion to present articles of impeachment in Westminster Hall was adopted. The question now arose of the appointment of a Managing Committee to prepare the Articles.[3] The Ministry refused to have anything to do with the management of the prosecution.[4] This suited the purpose of both Burke and Francis. They had drawn up the 'propositions' without consulting the Opposition and they wished to carry the whole impeachment at their "own discretion". Burke and Fox were immediately nominated. The third proposed was Francis. Here the conspirators received a check. The House, on the ground that personal hostility towards the accused incapacitated him, refused to admit Francis to the Committee.[5] In the debates on the 'propositions' he had participated actively. He was constantly on his feet to remind the House of some little incident or other which, in his opinion, was evidence conclusive of an innate corruption in Mr. Hastings. In the Benares charge he had risen to point out that Fox had not dwelt at sufficient length on Hastings' acceptance of Chait Singh's two lacs and had proceeded to make good the deficiency. In the debate on Oudh he had enlarged on the Wazir's proposed gift of ten lacs. It was evident to all, friends and foes alike, with the exception perhaps of Burke, whom passion had made blind, that Francis was possessed by a deadly hatred of the accused. Outside the House this was the prevailing opinion. No sooner was a charge moved in the

[1] Parl. Hist. xxvi. p. 141; Wraxall's Memoirs, iv. 345-7.

[2] Parl. Hist. xxvi. pp. 273-342, 675-733, 762-80, 832-73; Wraxall's Memoirs, iv. 380-1, 385-97, 414-19, 425-35, & 439-44.

[3] Parl. Hist. xxvi. p. 894. Moved by Burke.

[4] "For many reasons we cannot agree to take upon us any share in the management of the prosecution."—Dundas to Burke, 25th Mar. 1787, Burke's Correspondence, iii. 53.

[5] Parl. Hist. xxvi. p. 894.

Commons than it was immediately given to the public, accompanied by a pamphlet to prejudice opinion. With these Francis was publicly associated.[1] The House therefore refused to include him in the Committee, because the House tried to persuade itself that the impeachment of Hastings was a great public measure and not what it really was—the enlisting of a great assembly in one man's quarrel with another.

The decision staggered Francis. He had built all his hopes on the part he was to play in the great drama about to unfold itself in Westminster Hall. This was to have been his reckoning with fate and again fate had played him false. On 19th April in opening the debate on the Revenue charge he sought to force the House to reconsider his claims.[2] His hostility to Mr. Hastings, he would have them know, was not personal but founded on public grounds; but the House would not be convinced. In December 1787 he was finally excluded.[3] Surprise now turned to envenomed bitterness:[4] bitterness against the Commons, the public and the accused. But deep as this was, nothing could exceed the chagrin of Burke—"the great and good man"—about to prosecute a great public delinquent to vindicate the honour of his nation to the world and the justice of his age to posterity. In a letter of appeal to Dundas on 7th December 1787 he voiced his utter dependence on Francis.[5] "The event of Wednesday", he writes, "was a blow I was not prepared to meet . . . a distribution of the parts of this prosecution was made among us: and those which we deemed most important of all in point of criminality and which demanded the most of local knowledge and official detail, were with general consent, and as of course, devolved upon Mr. Francis. He has perfectly prepared himself and so prepared himself, that I run no risk at all in positively asserting, that if he is suffered to come forward, there is hardly a lord who will sit in judgment that can resist the

[1] The pamphlets were sold by Debrett at 1s. 6d. each, and were said to have run into many editions of 100,000 copies. An anonymous pamphlet, entitled 'Observations on Mr. Hastings' Defence', 1787, was also attributed to Francis by Scott, who charged him in the Commons with being the author of these various publications. A law suit arose out of the accusation.—Parl. Hist. xxvi. p. 1017.

[2] Parl. Hist. xxvi. pp. 913-94.

[3] *Ibid.* pp. 1311 & 1315-34.

[4] "Francis complained of his exclusion as the result of malicious insinuations industriously circulated by his enemies."—Wraxall's Memoirs, iv. 446.

[5] Burke's Correspondence, iii. 60. Published without comment or context, the importance of Burke's correspondence with Francis and Dundas has never been adequately estimated in relation to Hastings' Impeachment and the subject of India generally. Also Parl. Hist. xxvi. p. 1311.

conviction he will carry to their minds : and that what he has prepared would beat down the most determined prejudice . . . I am not prepared to take up his part. I have only some knowledge of the facts and of the evidence in general. But to methodise, to combine, to distinguish, to explain and to state, with the necessary force and clearness, a subject so remote from all the ordinary ideas of this country, requires a preparation which I shall not be able (if my talents and local knowledge were equal to those of Mr. Francis) to give it. . . . As to the other gentlemen, thinking themselves responsible only for their own portions of the business, they have not the least previous knowledge of these matters, which to manage requires a study apart. . . . In this situation Mr. Francis is forced away from us. All the local knowledge of India is in the hands of the person prosecuted by the House of Commons. Those who are sent to support its charge, require and can have but one man so qualified and that one is now taken from us. Pray be so good to reflect on my condition with a load upon my shoulders, the weight of which few can conceive, and which no description can exaggerate : and if not from justice and policy, yet out of generosity and compassion, let me have my *natural support.* I am willing to owe it to your humanity, to your condescension, to my infirmity—" Dundas had voted for the inclusion of Francis ;[1] Pitt, who was not well-disposed towards him,[2] against, and Burke's appeal met with no response.[3] From that moment he despaired of the success of the whole undertaking,[4] for who could supply Francis' place in Westminster Hall ?

The Committee now commenced preparations for the great attack. Though publicly excluded, Francis was immediately

[1] Parl. Hist. xxvi. p. 1330.

[2] Wraxall's Memoirs, iv. 338 & 430. Throughout the proceedings in connection with Hastings, Pitt evinced a determined hostility to Francis. In supporting Dundas' objection to a proposal made by Francis on 22nd Mar. 1787 that a Committee be appointed to examine witnesses "above stairs" and report to the House, Pitt launched a personal attack on Francis, declaring "that he should be particularly jealous of any proposal for the examining of witnesses which should come from [Francis] after the dishonourable and disgraceful situation in which he had, on a late occasion, involved the House, by the shameful and uncandid advantage which he had taken in his examination of Capt. Mercer." . . . Mr. Francis, he contended, "had first procured, by his own immediate and palpable interference, a letter to be written to him by Capt. Mercer, containing the grossest and most violent calumnies against Mr. Hastings : and then so managed the examination of that letter, as to cause it to be entered upon the minutes of the Committee, thereby making the House in some measure the accomplices in recording and publishing a most indecent libel."—Parl. Hist. xxvi. pp. 762-6.

[3] Burke's Correspondence, iii. 67, Dundas to Burke, 8th Dec. 1787.

[4] *Ibid.*, Burke to Dundas, 9th Dec. 1787 ; Parl. Hist. xxvi. p. 1311.

co-opted in private. On 18th December the Committee invited his frequent attendance at their sittings. "An exact local knowledge of the affairs of Bengal is requisite in every step of our proceeding," they wrote, "and it is necessary that our information should come from sources not only competent, but unsuspected."[1] The vote of the Commons altered nothing. Burke and Francis remained the two chief managers. Together they apportioned the 'parts' to the respective actors, devised the setting and drilled the cast.[2] But the labour entailed, coupled with his bitter disappointment, left its mark upon Burke. When he came to present his 'Articles of Charge' at the bar of the House of Lords, he inveighed in the language of Bedlam. "We have brought before you", he said, "the head, the chief, a captain-general of iniquity—one in whom all the fraud, all the tyranny of India are embodied, disciplined and arrayed." . . . "He murdered that man [Nuncomar] by the hands of Sir Elijah Impey. . . . He gorged his ravenous maw with an allowance of £200 a day." And again, "he is not satisfied without sucking the blood of fourteen hundred nobles. He is never corrupt without he is cruel. He never dines without ereating a famine. He feeds on the indigent, the decaying and the ruined, and these he depresses together. . . . He is like the ravenous vulture who feeds on the dead and the enfeebled: who destroys and incapacitates nature in the destruction of its objects, while devouring the carcases of the dead, and then prides himself on his ignominious cruelty. . . . His crimes are so multiplied that all the contrivances of ingenuity to cover them are abortive." "This swindling Mæcenas," he says of Hastings, "swindling of glory and obtaining honour under false pretences—a bad scribbler of absurd papers, who could never put two sentences of sense together. . . . A man whose origin was low, obscure and vulgar, and bred in vulgar and ignoble habits: more proud than persons born under canopies of state and swaddled in purple." "Such are the damned and damnable proceedings of a judge in Hell," he sums up on one charge, "and such a judge was Warren Hastings. . . . Sir Walter Raleigh was called a spider of Hell. This was foolish, indecent of Lord Coke. Had he been a Manager in this trial

[1] P. & M. II. p. 243.

[2] Francis MSS. No. 62; P. & M. II. pp. 256-8, Burke to Francis, 3rd Jan. & 14th Sept. 1788. "I wish you would see Fox and Sheridan and try to persuade them, if possible, to observe on our evidence—to settle their parts and let a brief be prepared for them in this our strange devilish business."—Burke to Francis, Nov. 1789, P. & M. II. p. 263. See also an interesting letter from Burke to Francis, Dec. 1789, P. & M. II. pp. 263-5; Gilbert Elliot's *Life and Letters*, i. chap. vi.; Burke's Correspondence, iii.

he would have been guilty of a neglect of duty had he not called the prisoner a spider of Hell." "He is a captain-general of iniquity, a fraudulent bullock contractor, thief, tyrant, robber, cheat, swindler, sharper. We call him all these names, and are sorry that the English language does not afford terms adequate to the enormity of his offences." [1]

Burke was perhaps the saddest, the most tragic of all Francis' victims. Sick and unstrung, his overwrought brain accepted as realities the most fantastic illusions.

Macaulay spurns the suggestion that he was insane; but India to Burke was the greatest, most terrible hallucination of his life. His contemporaries stood aghast at the pictures he painted them of a land he had never seen. Macaulay marvelled with them; but they bore the same relation to reality as the illusions of the sick man to the object of his brooding.

§ 4. Francis and the Impey Impeachment

The Impey Impeachment was an episode in the great drama of the Hastings trial. Instrumental in securing the recall of the Chief Justice, Francis was concerned in associating him with the proceedings against Hastings. On Impey's return to England in June 1784, nothing was immediately done concerning the matter for which he had been recalled and no particular notice was taken of him.[2] Rumour even affirmed that he was preparing to return.[3] When on 4th April 1786 Burke presented his first eleven charges against Hastings, Sir Elijah Impey's name was frequently referred to and with intent to incriminate. He was called in as a witness on the Benares and Oudh charges, and on 24th April 1787 [4] Sir Gilbert Elliot gave notice in the Commons that he intended shortly to bring forward a motion for his impeachment. It being late in the session, he was prevailed upon to postpone the matter, and his motion was again moved on 12th December 1787, agreed to and the 'Articles of Charge' presented.[5] They comprised six heads—the Nuncomar Case, the Patna Case, the extension of the Jurisdiction of the Supreme Court, the Kasijora Case, the Appointment to be Judge of the

[1] Extracts taken at random from Burke's Speeches in Westminster Hall, vol. iii.

[2] Stephen, *Nuncomar and Impey*, ii. 6.

[3] P. & M. II. p. 233, Francis to Edward Wheler, 12th Jan. 1785; Francis MSS. No. 53.

[4] Parl. Hist., xxvi. p. 1018.

[5] *Ibid.* p. 1335: "Charges against Sir E. Impey", 1786, I.O. Records Collection No. 8; Stephen, ii. 7, etc.

Sadr Diwani Adalat, and the Taking of Affidavits in connection with Hastings' Transactions at Benares during 1781.

Impey petitioned to be heard on the first charge and, his petition being granted, he appeared before the Bar of the House on 4th February 1788.[1] The motion for impeachment upon it was debated on 18th April and again on the 7th and 9th of May, when it was finally rejected.[2] This decision defeated substantially the impeachment of Impey.

The charges against Impey rose immediately out of the Articles preferred against Hastings, relating in the main to incidents on which Hastings was indicted. The first five treated of matters wherein Francis had been an actor and which he had distorted to secure Impey's recall. The sixth he had inveighed against and made public through the anonymous press.[3] Stephen in his *Story of Nuncomar and Impey*, in assigning the drafting of the 'Articles of Charge' against Hastings to Burke, points out that the charges against Impey, although, as he believes, drawn up immediately by Sir Gilbert Elliot, were modelled on the same lines.[4] But they originated in the same source—the productions of Francis, Elliot's brief being based upon a digest discussed and prepared by Burke and Francis.[5] Francis had convinced Burke [6] of Sir Elijah's guilt as he had convinced him of the iniquity of Hastings, and the attempt at impeachment was the outcome. Elliot, with Fox, Windham, Sheridan and the others, was merely an actor in the drama, the presentation of the Impey charges being the particular part allotted to him in the general proceedings against Hastings.

On 14th December 1786 [7] Burke writes to Elliot: "I wish you would look over the charges and select such a part as you might think most proper for you to open. There is no sense in being

[1] Parl. Hist. xxvi. p. 1341.

[2] *Ibid.* xxvii. pp. 292, 416 & 427.

[3] "In my opinion his [Impey's] going to Lucknow to take those depositions against the Begums is the blackest and basest transaction, except one, that has yet dishonoured the British administration in India."—Francis to Chambers, 20th Dec. 1786, P. & M. II. p. 251.

[4] Stephen, ii. 7.

[5] P. & M. II. pp. 253-4. Burke to Francis, 15th Dec. 1786 & 2nd Jan. 1787: "The impeachment of Mr. Hastings and the accusation of Sir Elijah Impey, both originated with him [Francis]", Nicholls' Recollections, i. 284.

[6] Reports from the Select Committee, 1782–3. See Chap. V. pp. 142, etc. Burke declared he believed "a greater and more flagitious criminal did not exist than Impey: he had been sent out to restrain oppression and had himself become an oppressor . . . he had cut up evidence by the roots: he had been sent to stem the torrent of corruption and had himself become a corrupter".—Parl. Hist. xxvi. p. 1018.

[7] Gilbert Elliot, *Life and Letters*, i. 116.

in Parliament without taking such a part as your abilities fit you for. . . . Bring up the Impey papers with you, for that is a business which sooner or later we ought not to blink"; and again on New Year's Day 1787:[1] "Among the charges there is but one engaged, two at most—the Begums to Sheridan, the Ranee of Gohud to Sir James Erskine. So please your palate. What think you of that you have drawn yourself—the Mahratta war and peace? The pit, boxes and gallery are impatient for one figure more, and cry out *Nosey* in a most obstreperous manner. In truth I never knew a greater demand for anything than the appearance of Sir Elijah." In February 1787[2] Elliot writes to his wife: "It is settled that I am to move and conduct the impeachment against Impey, for which nothing but some diffidence in my own nerves, and perhaps application, prevents me from having as human appetite as anybody; for he is a consummate villain—" When, on the 19th of the same month, Dundas asked on what ground it was intended to impeach Impey, Elliot replied with the voice of Francis, that he could give no definite opinion, that the charges would not be confined to any particular object, but would embrace Impey's conduct in general during his residence in India, his departing from his judicial character and his sharing in most of the worst actions perpetrated in that country.[3]

Immediately the impeachment of Hastings was decided upon, Francis determined on the impeachment of Impey. "The prosecution of your friend, Mr. Hastings," he wrote to Shee on 4th December 1786, "will be revived with a renewal of vigour as soon as Parliament meets. . . . An attempt will also be made to impeach Sir Elijah Impey. . . . Let the event to their persons be what it may, the charges will gibbet their characters to all eternity";[4] and to Sir Robert Chambers on 20th December 1786: "With respect to Sir Elijah Impey, I am of opinion that his situation cannot be in suspense much longer. . . . As soon as Mr. Hastings is disposed of one way or other, I have reason to believe that the impeachment of the other will be attempted, and with some better prospect of success. He is by no means so well supported as Hastings, and I know there are many, on that side, who would be ready to make him the scape-goat. From that quarter I have been asked twenty times, *Why don't you impeach Impey?* . . . Let the event of the prosecution be ever so favour-

[1] Gilbert Elliot, *Life and Letters*, i. 118.
[2] *Ibid.* p. 121.
[3] Parl. Hist. xxvi. p. 679.
[4] P. & M. II. p. 250.

able to him, a minute and public inquiry into all his conduct cannot but be very afflicting to him."

The Impey Impeachment was, in fact, but a phase in the great show staged by Francis in the Commons and Westminster Hall. In the acquittal of Impey the verdict of 1795 cast its shadow before. "Hastings has been impeached," said Francis then, "and I have been condemned." With characteristic terseness, he had summed up the situation.

CHAPTER VII

EPILOGUE—SURVIVAL OF THE FRANCIS TRADITION

Politically the verdict of 1795 decided nothing; the rival systems were still working themselves out in India itself. On the one hand, while Hastings stood in judgment before the bar of the House of Lords, the administrative system erected by him in Bengal served as a basis for Cornwallis' reforms: on the other, in the policy of the home government, in the settlement of the land in Bengal, in the foreign policy recommended to the Indian Councils, and in the education of public opinion, the Francis tradition survived.

When in September 1786 Lord Cornwallis came to assume his duties as Governor-General, he brought with him the 'Instructions' of the Court of Directors, dated 12th April 1786,[1] based immediately on Pitt's Act and enjoining him "to fix a permanent revenue" with the zemindars, "in perpetuity" on a basis of "the actual collections of former years". Initially, the settlement was to be promulgated for a shorter period. The interval between his arrival and the Permanent Settlement of 1793 [2] was occupied with researches into and controversies over the problems raised by the intended settlement; but as Ascoli points out, the Governor-General's sense of duty and determination to press through the instructions of the Court of Directors prevailed against all argument of experience. In May 1789 the rules for the decennial settlement of Behar were issued: on 10th February of the following year the same system was extended to Bengal, and on 22nd March 1793, in accordance with the Court's despatch of 19th September 1792,[3] the decennial settlements of Behar and Bengal were declared permanent.

[1] Bengal Despatches, vol. 13.

[2] For an examination of the Permanent Settlement, see Ascoli, *Early Revenue History of Bengal*, chaps. iv.-viii.; Kaye, *Administration of the East India Company*, pp. 174-201; Baden-Powell, i. 389-442.

[3] This despatch is said to have been drafted by Pitt and Dundas. Kaye, p. 183 note.

The distinguishing feature of the settlement was that it effected an arrangement with the zemindars in perpetuity. This partiality for the zemindar, erroneously attributed to Cornwallis' sympathy for a class synonymous with that of which he was himself a member, had become traditional. In 1790 the zemindar-ownership theory was not the view of one man. Through the body of revenue officials who had gathered round Francis, the Bengal Council, the Court of Directors, the Legislature itself, generally recognised his claims. The debatable point was only that of permanence.[1] John Shore, a member of Council and one of the ablest revenue officials in the Company's service, advised a limited settlement, suggesting a period of ten years as sufficient to give stability and enable government to secure further information for a more equitable future settlement. Arguing on the ground of limited experience, he maintained that all previous inquiries, even the Amini investigations of 1777, had failed to procure information adequate for a permanent settlement. He was overridden by Cornwallis, determined on carrying through the injunctions of the Directors, who had been convinced by the arguments of Francis that the value of the lands was sufficiently known and that an 'equal assessment' was neither possible nor necessary. Through Burke, Francis had stressed the absurdity of seeking to base any sytem of land tenure on " the epidemic rage for equality ". An argument which always carries weight, it was then especially effective, when the atmosphere vibrated with the radical principles of the Revolution and established authority was shaken. Reforms instituted in the collecting system in 1786 and the investigations undertaken by the revenue agency enabled Cornwallis, however, to base the settlement on a fairer medium than that of the preceding four years' receipts recommended by the Directors : but the strength of Shore's arguments was soon practically demonstrated.

The object of much adverse criticism at the time, the permanent settlement still remains a source of political and economic controversy. Its advocates, says Ascoli, urged it as a great administrative reform which, by establishing a revenue-paying class on a definite footing, would ensure a minimum revenue to the governing power, free the officials of government for other spheres of administration, and by creating a body of landlords whose interests would be materially bound up with the welfare of the land, promote the extension of cultivation and foster the develop-

[1] Ascoli, chap. vii.

ment of trade. None of these hopes were immediately realised, and if ultimately, are said by its critics to be due not to the settlement as such but to causes, whether natural or administrative, extraneous to it. The adoption of the sale law against defaulting zemindars—a measure recommended by the Bengal Council as early as 1775—issued in a widespread agitation against the system and resulted ultimately in a revolution of landed property in Bengal. There arose an autocratic class to whom power was given without any real devolution of responsibility, while the failure to secure the rights of the ryots bequeathed to posterity a very difficult administrative problem. The unequal distribution of the assessment caused widespread discontent; while government resigned irrevocably its claims to any future increase in the value of the soil and in favour of a class, vested now for the first time with inalienable rights of property in land. "We not only relinquished", says Metcalfe,[1] "the right of the Government to any further revenue from land, which was undoubtedly a great sacrifice, but what was much worse, we destroyed all the existing property in land, by creating a class of proprietors to whom we recklessly made over the property of others." Cornwallis, he adds, "was the creator of private property in the State revenue and the great destroyer of private property in land in India; destroying hundreds or thousands of proprietors for every one that he gratuitously created". But it is to Francis rather than to Cornwallis that the criticism applies. In branding the scheme as the creation of English limited imagination, enamoured of its own institutions and impelled to reproduce these in India, its critics forget that the idea of a permanent settlement with the zemindars originated in Francis' desire to limit English influence in Bengal, by restoring, as he believed, the authority of the native middle-classes and fixing the tribute. Opposed to English interference with the work of administration, the question of providing for an increasing sphere of governmental exertion as the State grew older and institutions developed did not present itself to him. While this reveals in Francis a curious absence of any conception of progress, all the more surprising when his activity in radical organisation at home is considered, it was due mainly to an exaggerated appreciation of the differences in the institutions of

[1] *Selections from the Papers of Lord Metcalfe*, p. 253: "A plan of constitutional regulations for the administration of the British dominions in India" (B.M. Add. MS. 39892), drawn up by Hastings in 1806, contains an interesting criticism of the Permanent Settlement.

Europe and the East and to his opinion of the interested character of the East India Company.

In subsequent systems of land tenure in India the Permanent Settlement was not imitated.

Like the land settlement, the political policy of Britain in India based on the Francis tradition defeated its own ends. The Act of 1784, enjoining non-intervention in Indian politics, committed the Indian Councils to a policy of neutrality which in the long run involved them in more wars over an increasing field of Empire.

The disturbed state of affairs in the Carnatic and the intrigues of Tipu Sahib compelled Cornwallis, much against his will, to depart from the injunctions of the Legislature and to enter into an alliance with the Marathas and the Nizam. "The system of neutrality", he wrote in 1790,[1] "has been attended with the unavoidable inconvenience of our being constantly exposed to the necessity of commencing a war, without having previously secured the assistance of efficient allies." In 1790 he had to offer the Marathas "a defensive alliance against Tipu". The latter was with difficulty defeated, part of his territory being annexed to the Company's possessions as a safeguard for the future.[2] During the governorship of Sir John Shore war again broke out; this time between the Company's allies—the Marathas and the Nizam. Shore remained faithful to the principle of neutrality, and the result was the defeat of the Nizam in 1795 and a formidable acquisition of power to the Marathas. Confidence in British authority was shaken and Lord Wellesley, confronted on his arrival with the threatened invasion of Buonaparte and his reported alliance with Tipu, and with the Company's armies unprepared to meet the crisis, sought a remedy in the return to Hastings' political policy.[3] His system of subsidiary alliances, extended in 1798–1802 [4] to include the Nizam and two of the States of the Maratha Confederacy, resulted in the paramountcy of Britain in India.

All through Wellesley's career of conquest, Francis protested vigorously. That the weakness of the British position in India, on Wellesley's arrival, was the result of the policy of non-intervention he denied. "The Legislature", he maintained,[5] "pretended to

[1] Cornwallis' Correspondence, i. 496.
[2] *Ibid.* ii. 153.
[3] Narrative of the Marquess Wellesley's Government by the Duke of Wellington, 1806, East India Tracts.
[4] C. N. Aitchison, *Treaties*, etc., i. 123; vi. 52; ix. 51, 67, 220.
[5] Speeches on the Maratha Wars, 1804, 1805 & 1806.

forbid war, while in fact their judgment of the policy and justice of any measure pursued abroad was always decided by a battle." A practice of aggression had gone hand in hand with pacific declarations. The desire to secure dominion had necessitated the discovery of a foe to be conquered and the "intrigues of the French" provided a convenient war-cry. In reality the necessity of providing for the security of the British Empire in India by the conquest of the Peninsula was never thought of until the French were extirpated. "We never pretended", he declared, "to be thoroughly afraid of our safety until in effect we had no enemy left and literally nothing to fear." Wellesley was the great exponent of this double policy—pacific in theory; flagrantly aggressive in practice. Professing to aim at establishing a permanent foundation of general tranquillity in India by securing to every State the free enjoyment of its rights and independence, he had, like his predecessors, employed these pacific phrases for the real purpose of interfering perpetually in the affairs of the native States. In a powerful speech of protest against Wellesley's political system, delivered in the House in 1805, he says: "Nothing can be more simple than the principle, nor more effectual than the operation of this subsidiary treaty. If once you can persuade the Nizam, the Peshwa, or any other native prince, for whom you happen to have a particular friendship, that his Government is in danger and that his person is not safe without your assistance, the business is done. A British army is on the frontier ready to march the moment the treaty is signed, enters his country, takes possession of his capital and secures him in his palace. If he should happen to be a short-sighted, narrow-minded person or not sufficiently quick in accepting these proofs of your friendship, there are various ways of convincing him. Sword in hand is the shortest." French-Maratha combinations were effects, not causes, of English aggressiveness. "We seldom know", he continued, "what the native powers have to say for themselves." In endeavouring to persuade them to receive a foreign army into their capitals, "for the sincere and friendly purpose of securing their independence", we were more treacherous than they. "If", he concluded, "you follow the agents of Lord Wellesley and the armies of Britain you will find them in the centre or in the remotest corner of the Peninsula, carrying slavery and desolation into countries and exacting tributes from peoples, whose names are hardly known in England, and then we revile the peoples of India as if they were the aggressors, as if they were the invaders, and as if there could be no

repose or security for the British establishment as long as any native power in that immense continent was left in a state of independence. We go into their country to charge them with lawless ambition and we rob them of their property in order to convict them of insatiable avarice." His agitation was not without effect. Wellesley was recalled in 1806 ; but the expansion of Britain in India was an accomplished fact.

As administrator and statesman Francis was a failure. Tried and found wanting, his principles were rejected ; but success came where least merited. Immortalised by Burke and his brilliant contemporaries, his philippics became part of the legacy of the Whig tradition. Through Mill they coloured the views of every student of British India and blinded Macaulay to the virtues of Hastings. And once pronounced, his false verdict has been accepted by posterity which knows Hastings only as a great but unscrupulous statesman.

APPENDIX TO CHAPTER I

The following documents are taken from the Hastings Manuscripts in the British Museum. They serve to illustrate the general trend of events both at Westminster and Leadenhall Street, while they illumine the attitude of individuals, both within and without the Company's ranks. Selections from Hastings' own correspondence with his friends are to be found printed in Gleig's Memoirs and more recently in M. E. Monckton-Jones' *Warren Hastings in Bengal*, where the despatches of the Court of Directors to their Bengal Council, frequently referred to, have also been printed in abstract for the years 1771–3. Letters *from* Hastings' correspondents at home have, on the other hand, not hitherto been published, and it is from among these that the following have been drawn.

No. 1. *F. Sykes to Hastings. Basilden*, 8th Nov. 1773.

[Francis Sykes had filled the post of Resident at the Nawab's Court at Murshidabad during the period 1765–68 : he had been associated during these years with Muhammad Riza Khan in the working of Clive's dual system, and was naturally an opponent of the policy of that clique in the Direction which had brought about the latter's downfall. Having amassed a considerable fortune during eighteen years' sojourn in India (1751–68), he came under the category of the hated wealthy Nabobs. As such he bitterly resented the hostile criticisms of the Direction and in particular the manœuvres of the reforming party headed by Sulivan ; while as a member of the Court of Proprietors he actively resisted the pretensions of Administration to the Company's possessions. These views are well reflected here.

His letter is further interesting for the light it throws on Hastings' appointment to Bengal in the spring of 1771. Miss Monckton-Jones regards the choice of him, to carry out the work designed for the commission, lost on the *Aurora*, as natural—since Hastings had been Vansittart's main supporter. In so far as he had been adopted by the party which supported Vansittart as the latter's natural successor her statement is correct (see No. 3) ; but it is necessary to point out that the Direction was a fluctuating body, with no corporate policy, and made appointments not ' to secure a policy ', but to cover the demand for patronage, and that the choice of Hastings was only just carried by the progressive party in the Direction, aided by a considerable proprietary interest. This letter illustrates generally § 3.]

. . . You have already been made acquainted with the stoppage of

payment the East India Company was obliged to come to, for want of cash, September was a twelve-month. This situation of the Company had never been suspected till Manship declared it at a General Court, that the accounts then produced to the Proprietors, were not just, they were false and made for the purpose of declaring an improper dividend : Purling was Chairman and Dudley Deputy, the former supported his account. Sulivan and Sir George [Colebrooke] joined and even went so far as to move for thanks to be given the Chairman, etc., for their prudent and judicious conduct in the management of the Company's affairs. This conduct of Sir George's secured his being Chairman next year, which was what he wanted ; however the election being no sooner over and Sir George got into the Chair, but the cash began to be so deficient that the Secret Committee began to be alarmed, yet kept the secret to themselves and endeavouring to get over the difficulty had recourse to the bank for a loan of £600,000 which the bank would not grant, they, I mean the Secret Committee thought of other expedients but all failing, then they got clear of their stock and communicated their situation to the Directors at large, not that it was a matter of any great consequence, only a temporary difficulty. These were the ideas, upon this occasion handed out to the world. The stock at this time was 219, but it instantly fell to 200 and continued falling 5 and 10 per cent daily, till it came to 160, some proprietors sold out, some kept in, in short no person knew what to do, for though I was intimate with most of the Directors, except Sir George, who had endeavoured to use me not properly upon your removal to Bengal, I could get no certain intelligence. Purling and Savage told me the difficulty was of no great consequence till almost the last and concluded they would hardly deceive me, so kept my stock, which with my own and what I borrowed amounted to near £30,000 capital. The situation of the Company was so little known and so partially retailed out, that most of the Stock holders suffered one third of their principal besides interest. . . . The King, the Parliament and people were alarmed, discontented and called aloud for vengeance upon the Directors. The storm thickening and the Directors finding that money could not be obtained, to go on with their payments, by no other means than a supply from Government, applied to Lord North, who would give no assistance without a sanction of Parliament. The House was very early called on this account, when Lord North mentioned the Petition of the E.I.Co. and their bankrupt state, when the House was much enraged at the Directors and what strengthened their fury was that many of the Members and their friends had lost considerably by the fall of stock: an enquiry was the voice of the House, a Secret Committee was accordingly appointed to examine into the cause. In this situation Sir George, Sulivan and others of the Directors came to the resolution of telling the public, that their distress was owing to the rapacity and bad management of their servants abroad and in order to support their arguments employed one Wilks at £600 per annum to examine all the Company's records of every sort, from 1756 to this present time, for every circumstance of a civil as well as of a military nature which might or could be deemed extravagance, abuse, fraud, etc. against their servants. A fine resolution our hon'ble masters came to, a fine scene would probably open. This work they certainly had in view at the time they ordered M.R.C. [Mahomed Riza Cawn] to be confined in order if possible to find

matter to support their arguments and draw the attention of the public upon the conduct of their servants. . . .

The Directors in the name of the Company petitioned the House of Commons and desired to be heard, when they brought Mr. Wilks, called Examiner of India Records, to prove abuses in Bengal, he began by mentioning the fraud in the Salt duties, taxes upon the natives without authority for the sake of acquiring fortunes, etc.—that these cesses were contrivances of Clive, Verelst, Sykes, etc., for the benefiting of our own fortunes and by no means necessary or usual in that Government. . . . No allowance did Mr. Wilks make in his representation of the Purneah expenses, that it was of ancient standing that it was necessary at that time to conform to the ancient customs of the country, at least till such time as the Company felt proper to avow publicly the receipt of the revenue and throw off the mask we had in the most positive manner been directed to act under : nothing of this was mentioned but that the whole proceedings of that festival was to be squared with the sentiments of a clerk who had never £100 to spend till he became a clerk to the Company. Such were the ideas this man diffused into the minds of the House and which could not fail to inflame the House against the servants of the Company and without trial would have sequestered every man's property who had ever been in the East.

In this situation affairs continued from December to March only the two Committees of the House of Commons going on in their enquiries, into affairs both at home and abroad. When Burgoyne closing his enquiries after the receipt of presents, he by the advice of the Johnstones, it is supposed, commenced an attack upon the presents received from Jafir Ally Cawn's succession to the time of Nadjum-ul-Dowlah's coming to the Government and in order to prepare the way, when the House one day was much enraged against the Directors, but particularly the servants, General Burgoyne made three motions. The spirit of them was nearly this—That all sums of money acquired by officers at the head of a military force did of right belong to the State—That all monies acquired under military or civil influence did belong to the State and thirdly that in such cases restitution of course should follow—These motions scarcely without a debate were carried, without knowing or considering what was to follow, indeed the House would that day, from the humour they were in, have hanged both Directors and servants, such is the justice of a British House of Commons. Burgoyne finding these points carried encouraged him to go on, when at a future day, he *mentioned* that Lord Clive's case fell particularly under the Resolutions passed a few days ago, he moved that he be obliged to refund the money so acquired to the State. . . .

The Secret Committee goes on, and which Lord North depends most on, as the Gentlemen who form it are most of them Colleagues in the Administration. The Court of Directors, in their petition to Parliament, declaring they could not manage their servants abroad, Lord North told the House in return that the Directors neither could manage their own servants or govern their own conduct, and therefore proposed that the Government should have a trial of it, for five years by way of superintending the whole machine : after which time he hoped that the powers now taken away from the E.I.Co. might revert to them again which I

fear will never be done. In April his Lordship prepared many alterations and regulations to be made and to be effected by a Bill. . . . The Bill when it made its first appearance in the House was so crude, so undigested and in short so very inconsistent, that it has been cut and hacked all to pieces and indeed no part of it remaining except the appointment of the Governor and his Council as well as the Judges by the Crown—I have never been able to learn who Lord North has chiefly consulted, relative to Indian affairs, it must have been some person who was very ignorant of the Company's concerns, both at home and abroad. It has been supposed Purling has been the man.—I shall now tell you how the Proprietors relished the conduct of the Directors. They accused them for mismanagement, fraud, deception, stock jobbing etc. etc. and wanted to impeach their conduct at the Bar of the House of Commons. However, to give some satisfaction to the Proprietors, they told them they were determined in doing their duty, against their servants and would prosecute them for the deficiency in salt duties, etc. . . . To tell you my real sentiments I verily believe the Directors are mean devily enough to do it. . . .

The Proprietors now seemed alarm'd for their rights as a Company and though the Proprietors permitted the Directors to apply to Government for a loan of money and call'd for their assistance yet when they found the terms on which Government only would grant it, the Company refused the loan though they could not get it elsewhere. No, says the Minister you have applied for the assistance of Parliament and shall have it, but I will take care that it is properly applied and as you have given evident marks of not being able to manage your affairs and at the same time unwilling for any other to conduct them for you, I will force such regulations upon you and make the whole compulsory by a Bill, which was done.—Now both the Directors and Proprietors think they have gone too far, and most certainly they have. They ought to have had as little to do with Administration as possible, however Administration has now laid hold of them effectually and I am certain they will not relinquish their hold in a hurry, perhaps never. For this experiment of five years will be no sooner over but another trial of five years' longer will be judged necessary, so adieu to the independancy of the Company. All this might have been foreseen had not there been a strange set of men in the direction, who had been jobbing all in their power and losing near £200,000 per annum by surplus tonnage, which is now made clearly to appear, but a proprietory interest must be kept up among the husbands and builders for the support of the election. Sir George has so much overshot his mark that he has not only brought the Company's affairs to a full stop, but his own too and at the very same time all his concerns are in the hands of trustees, a fine kettle of fish he has made of it.

He and S[ulivan] have not only involved themselves, but they have been very liberally diffusing every report possible to the prejudice of all their servants in Bengal, as well as here. Truth has been exaggerated and where there was no grounds of complaint, the most base and infamous lies have been invented : the newspapers by *their means* it is thought have rung with lies against one person or another. Such stabbing and dirty work has been used, that I assure you the body of Indians have through the means of the Directors not suffered a little. I have met with my share from envy and prejudice because I live within my fortune and

go on in the world without distress, an evil, a number of people here, through their own folly, experience : I endeavour to disgust no one, but give them all the power their merits and fortunes allow them, yet nothing will do unless I find them with money, never to see again. My time has by no means been agreeable, since I have been in England owing to contested Elections at the India House and the struggles necessary to be made in support of one's friends abroad. The invidious conduct of the Directors against their servants has been extremely disagreeable and even from those whom you have all along been strongly supporting—S[ulivan] has distinguished himself for his enmity to the whole body of servants and I am truly sorry there is any connection between him and you.

I engaged largely in the stock without the least view of gain to myself, but entirely to serve my friends in the Direction and you in particular ; with other friends abroad and indeed to tell you the real truth, I could not have carried the election of you, to the Government of Bengal against Rumbold (who had but Sir George's £80,000 upon bond only) without it ; I kept so many votes on purpose and though I might afterwards have secured myself, yet such has been the conduct of the Directors that not one of them gave me the least hint of their bankrupt state, by which means the whole of my stock to the amount of £30,000 capital was kept. I shall my friend, suffer full £15,000 by this trick of the Secret Committee, as the stock can never now rise above 8 per cent, though their affairs might admit of a greater dividend, a few years hence. I am, my dear Hastings, heartily tired of them, there are so many tricks and such a scene of villany amongst them from the highest to the lowest that the very worst Indian is a mere child in iniquity to these in Leadenhall Street. They have been truly shocking in their conduct and I am certain it would have cost me an infinite deal of money, application and attendance to have secured you a fair character, for 2 years with such a set of men, who were perpetually combining and tricking together, indeed, I have been constantly attentive lest they should begin so soon to sacrifice your character and merit to some of their infamous jobs. However I am now greatly relieved by this change of affairs, as the Directors cannot now remove you without the acquiescence of the Administration of England, and this I would rather chuse, than the power being solely lodged in the one or the other—I think you bid very fair to enjoy the Government of Bengal much longer than any of your predecessors, by the power being divided, had it as usual rested solely with the Direction, they would in a short time have endeavoured to have removed you, had you been God Almighty, and with Government they might have wished you away to make room for Clavering or for some of the younger branches of some needy family about Court, of which there are many. Clavering has a large family and very moderate in circumstances. Monson the same, who married Lord Darlington's sister, and Fred Vane has been a great stickler for him on this and very violent against the past conduct of the servants in India because he thought his brother-in-law the only man capable of conducting the affairs of the Company, however M[onson] is a good officer, but has great prejudice against the Company. Francis is a good and sensible man I hear : I have not the pleasure of knowing him. It was quite an accident B[arwel]l came into the list of Council General.—A certain gentleman told Lord North he was the next to you in abilities.—You will find your new associates in

administration cautious and prudent, but, my friend, you will have greatly the advantage of them and I wish and hope you will endeavour to be on good terms with them, yet give up no point, where you think it is inconsistent with the duty you owe the Company and the honor of your own Government. The line of conduct you have taken, since you have been in the Government has pleased me much and has coincided exactly with the sentiments of the public in England and arrived in England very opportunely. I happened to be examined before the Secret Committee of the House of Commons relative to the laws of India and the administration of justice only the very day before your Regulations on that very subject arrived, so that you had anticipated the whole of their intended regulations and so you have gone on in your other regulations, with as much judgment and attended with as much success for you have been exactly beforehand with them in every point. When a Gov. Genl. was first thought of, had the Administration applied to Lord Clive to have accepted that station, he would I am certain not have refused it. Lord Pigot wanted it, who has a great ministerial influence, by having three votes in the House of Commons, but then he wanted Madras to be the seat of government. The friends of Mr. Dupré moved for him but without success. Your Regulations, I say, arrived very opportunely at a time the Directors and the Administration were in much confusion and Lord North committed himself to the House relative to you, long before anything was said of a Council, otherwise to tell you the truth for want of a strong personal interest, I should hardly have thought it would have fallen to your lot, for though I have ever since I have been in England, attended in every shape to your interest and advancement in life, in the most singular and particular manner, nay, as I have been by some persons told rather abruptly, when it did not agree with their ideas, to a degree of folly, yet I could not of myself have had weight enough to have obtained the station of Gov. Genl. without other helps, and this has been your own conduct. I have been often with Lord North, when I have made him acquainted thoroughly with your real character, to prevent him receiving different ideas, from those more frequently with him and who do not wish you so well—You observe very justly, you are afraid of suffering for want of a personal interest. This is certainly a great inconvenience for to be sincere and I mention this without the least view of enhancing my own merit, that in every struggle we have had at the India House when it ever came to the proof or the test, I have not met with one real staunch Friend, who would experience difficulties and withstand rebuffs, or would not upon occasion temporise with a party in favor of himself to your prejudice, appear yet in your favor. Sulivan speaks well of you, yet he would, it is my opinion sacrifice you to-morrow to get himself into the Direction, but thank God there is now a superior power to prevent clandestine transactions in the Direction and the Directors will soon cry out, if there should be any jobbing work by Administration : so that between both, I think you have a prospect of a long Government. I know, had it not been for you and some other friends in India I would never have interfered in the affairs of Leadenhall Street, however, I shall persevere both with Lord North and the Direction, in doing you every essential service in my power.

(B.M. Add. MS. 29134, p. 117.)

No. 2. *L. Sulivan to Hastings.* 13th Oct. 1773.

[L. Sulivan, one time Chairman of the Court of Directors, Deputy Chairman in 1773, and afterwards again Chairman. The leader of the progressive section in the Direction, more conversant than most of his colleagues with India affairs and therefore prepared to go further than they on the question of the Company's responsibility in Bengal. He approved in detail Hastings' policy and was himself the author of several plans on the revenue and internal administration of Bengal. These are still to be found in the Robinson Collection. As a Director of the Company he actively resisted the pretensions of Ministry, but greed for power often led him to ally with Administration to secure his ends, and appears to have rendered his support of Hastings sometimes but lukewarm.]

I cannot let this ship go without a line, though I have little material to say.

The report of my going abroad has unluckily stopped my India correspondence. I know little, but as the general voice runs so strong in your favor, I am satisfied all is right and must with many lament that you are not empowered to act singly.

Your colleagues are said to embark soon, but how I know not, as the Proprietors have refused General Clavering to be their Commander-in-Chief, (which he insists upon). Lord North I am assured has pledged himself it shall be done by Parliament—another blow to the Constitution, and to your power. . . .

From a conviction that the Bedford Party wished to act with violence (MacLean will explain them) I very early conveyed my ideas to the Fountain-head—they were these—a permanent Direction—the right of voting extended from 6 to 12 months : no Judges—the Mayor's Court, if practicable, to be made more independent—the Crown to have one person in our Council at Bengal—another in the Direction at home, privileged as inspectors : to sit on all Committees without a voice—the Governor and Council to be made amenable to Parliament and this I considered as giving the Legislature complete constitutional control, but knowing that a Gov. Genl. was a fixed favorite point ; and that Lord Pigot certainly, others by report, had applied for this nomination, it was natural I should labour for my friend : and fortunately your last letter establishing the grounds I should take I delivered it to (Lord North) for his perusal and the (King's) . . . proposing that similar to the Gov. Genl. of Batavia you alone should have responsible power over all the Presidencies which would never be used but on great and important occasions, as the exercise of such authority would always be at your own peril. I am made to believe that our Friend, with his zealous endeavours, failed in influencing his master who upon my plan could not grasp the whole patronage of the Company, which the Bill does effectually and in fact renders the Gov. Genl. a splendid Cypher, for the Crown has carefully preserved a Majority, the Company having Gov. Genl. and Mr. Barwell and the other line General Clavering, Monson and Mr. Francis. The succession also well secured, General Clavering following you and Monson next. I offer nothing against the characters of these—they may be and indeed I believe are, able and honble men, yet in equity and sound sense the scale ought to have preponderated with the

Company. But the reformers had other views, such I fear, as must ruin the Company.

As this new Commission will hardly depart before November I could wish you entered directly upon every great reformation in the Military and Revenues—in the former you may have difficulties hereafter, as the Council will have a Military Majority. I could also wish you to have the whole credit in Mahomed Reza Cawn's business for it's my opinion that these matters are intended to be prob'd to the bottom.

(B.M. Add. MS. 29134, p. 69.)

No. 3. *L. Sulivan to Hastings. Queen Square*, 20th Dec. 1774.

Your letter to the Company has been perused by Palk. I have not shown it to Sir George [Colebrooke], whose mind is too much upon the stretch with his own affairs, but he is perfectly devoted to your interest—however I have been strongly tempted to break your orders in leaving the letter for a few days with Sir Gilbert Elliot, that it might by a certain channel have reached the K—g; but happily I find a copy has been delivered Lord North which answers every purpose. It is in general highly approved by the Court of Directors—some of the most considerable of them have expressed themselves so to me and earnestly hope that health will permit your stay for many years.

Instead of guessing you might have known my opinion, by recollecting that it was I who projected and carried the high appointment of Dictator for poor Van—he alone had every power the Company could give—it is as true that I opposed and had influence to negative Lord Clive, though he nearly succeeded for himself with a Committee—your whole letter breathes my own sentiments—the difficulty (and a great one) will always be the *man*, for within my experience I can add but three to your own name with whom I would have lodged unlimited authority and these were Stephen Law, Henry Vansittart and Robert Palk. I borrowed my ideas not only from reading; but an instance which will never depart from my memory. It was this—

The Dutch deposit all power with their Governor General to be exercised as he sees fit—when he assumes the (Dictator) a certain habit with a truncheon proclaims his office—after the dreadful massacre of the Chinese at Batavia Baron Imhoff held the truncheon until he had saved and secured that important settlement from destruction. But alas! Your new system must have no less than five truncheons. My anxiety to hear from you after their arrival is not to be expressed.

Your letter of the 11th. upon the subject of revenue I have attentively considered, but why should you now be troubled with any observations on measures that are all nearly set aside except that trade is forbid to the managers and your wise arrangement of the opium is a fund they will hardly part with.

As every revenue subject is or ought to be now understood by our own servants, I entirely approve of the native Duans—the checks are multiplied and I plainly foresee (if it had been permitted) that all influence and power must gradually have entered (where alone it ought to dwell) in Calcutta. . . .

If Mahomed Reza Cawn had been as bad as we suspected I despaired of all proofs, when I heard that the Council went out in a body and attended him in his triumphant entry into Calcutta.—It was certainly a daring and unexampled insult on the Company's authority through their President—if they were themselves innocent, it was great weakness in furnishing such strong suspicions.

As the materials against this man were handed to us by a snake,[1] who was one of our body, I knew what use would have been made of a refusal—I felt what a cruel task it imposed upon you, but it being unavoidable I contended to give absolute power *to you* alone—I failed—George Vansittart having sent the whole of your examination to Palk, I am perfect master of the subject and as perfectly satisfied with every part of your conduct. Mahomed Reza Cawn has written me a letter by the Resolution expecting of the Directors some justice to his injur'd character, from whence I conclude he has been taught to consider me as the leader in this prosecution, when the chap who set the wheels in motion hugs himself in the deceit. . . .

I am happy to see such great reductions in the civil and military branches, but as you feared much of the latter will be laid on again by the late absurd regulations.

I hope the Directors will extol your very able management with the Vizier, productive of such present as well as future advantages so firmly and solidly settled. . . .

(B.M. Add. MS. 29135, p. 401.)

No. 4. *Sam Pechell to Hastings. Bath*, 28th Oct. 1773.

[S. Pechell, one of Hastings' staunchest friends and supporters in the Court of Proprietors (see Chap. VI.), who possessed considerable influence with John Robinson, Lord North's official secretary.

His letter illustrates the great regard felt by all parties, and in particular the King, for Hastings, on the eve of his appointment as Governor-General of Bengal.]

It must give you pleasure to know the effect your service has here: however disunited we are in our opinions of men and Matters, all agree in what concerns you: your merit both in private and public life, is particularly known to the King; he has his information on that subject not from report, or even what ministers may say in talking of it, but from a private hand whom he places great confidence in: he does not hastily form opinions. He has learned by experience that all who surround him have particular views. Though this particular opinion does not lead to emolument, yet from my own feelings, I conclude that you must think it some reward of merit, to have it known not to the idle world, but to the better part of mankind. Independent of his rank, he is of that class: his application is great: and his penetration is such that all who know him are convinced it is no easy thing to deceive him. . . .

(B.M. Add. MS. 29134, p. 94.)

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[1] Nuncomar.

Nos. 5.—Letters to Hastings on the Company's 'Instructions'; the Act; and The New Council

No. 5*a*. *L. Sulivan to Hastings.* 8th Dec. 1773–10th Jan. 1774.

. . . It will require all your philosophy to bear with temper the parliamentary system which in a great degree annihilates the Company's power and privileges, disgraces and degrades the service in India and eventually wounds your own authority, for having removed you from all cognizance in judicial matters, the Minister it's said has pledged himself to give Genl. Clavering the chief command of the army, which has already been negatived by the Court of Directors and a General Court—it's also affirmed that Mr. Clavering is to be indulged with an Adjutant-General who is to have Colonel's rank and four aides-de-camp, and that his additional appointments will be £15,000 a year as Commander-in-Chief and for the table which brings it to the sum granted to the Governor General.

As the Minister and this New Council publicly profess an implicit dependence upon Mr. Hastings, I am still willing to hope that those excellent rules you have and mean to establish for the perfect government of Bengal will be confirmed and persued and if their good sense leads them to submit to the Gov. Genl's. superior knowledge and great experience, I shall not envy them their emoluments, even if they were much larger; but if your measures are thwarted and curb'd by a Majority what may we expect? Should such be your situation and the consequences appear to you to be ruinous, then my dear Friend, I give it as my poor but clear opinion, that with a solemn protest you appeal to Parliament and the Company: at all events holding the reins of government until an answer is returned—and I tell it you with a pleasure springing from pure affection, that no man, either dead or living ever stood upon your ground of solid popularity.

Yet even with harmony in your Council (so much to be desired) your task is extremely arduous—Scripture says it's impossible to serve two Masters—unhappily the Legislature and the Company are in direct opposition—you are responsible to both—we know the safest side, and who must conquer, still to a mind gratefully susceptible of duty and obligation to his original employers, his situation will be delicate and dangerous.

With the Judges you will have no trouble. The Chief Justice Mr. Impey is your old acquaintance and school-fellow and my intimate friend. A better man does not live and for us it's a happy choice—his connections with the most respectable of all parties in the State has given him much Cabinet knowledge, highly useful for you in conducting this new system in such critical hours. He is very dear to Dunning and through him and me is master of most of the essential India subjects. I am happy also to find that Colonel Monson takes it for granted that there will be an intimacy between you—as Lady Ann it's said perfectly remembers you and the Vanes have not forgot their old school-fellow. Monson is certainly a man of extensive abilities and rigid honor—but unfortunately I cannot reach him, as I raised a very ungrateful man Genl. Coote at his expense. . . .

(B.M. Add. MS. 29134, p. 250.)

No. 5*b*. *F. Sykes to Hastings. London*, 13th Jan. 1774.

I wrote you particularly by the Salisbury and a few lines by almost every ship since. Genl. Clavering, Monson and Francis are ready to depart for India, but their departure is for a few weeks only postponed, on account of the Regulations to be framed by the Directors for the Government of India. Some few outlines they have found and laid them before the Proprietors, a party headed by the Duke of Richmond, Johnstone etc. disapprove of them and the conduct of the Directors in general, upon a supposition that they are too well with Lord North. The instructions drawn out by the Directors are very short giving you only a few outlines, leaving the most essential parts of Government to be formed and executed by you and your Council. They give you the superintending power over the whole, even over all the commercial concerns which is to be conducted by a Board of Trade. The powers to the Gov. Genl. and Council is by these instructions very great and the spirit of those formed by Johnstone etc. limit and prescribe your authority exceedingly. They have drawn a line between the Revenue and Commerce and give you and your Council the Political, Military and Revenue Departments and the Commerce they have left to a President and Council, independent of a Gov. Genl. and Council, with authority over all the shipping and servants of every discrimination appertaining to Commerce, so that by these Instructions the President of Commerce will rather be in a better situation than the Govr. Genl. The charge of the Garrisons to be under a military authority entirely. The Mint in Calcutta to be under the President and Council of Trade. These two sets of Regulations are to be considered next week and a ballot, I fancy, must determine their fate. I shall support those called the Directors for I never will give my consent to have two independent powers within one Government and a Board of Trade to be independent of the Supreme Authority, such a system I am certain would be very prejudicial to the Revenue. I think Johnstone's etc. Regulations considering the principle, are in my opinion, sensible etc. but that mixt kind of government I can never approve. . . .

There has a report been opened by your enemies I suppose, that you was coming home having made a large fortune by the means of M.R.C. [Mahomed Reza Cawn]. Lord North spoke to me about it and I told him I did believe you had not bettered your fortune anything since you have been in Bengal and I had authority from you to say so, that you had no intention of quitting India and I verily believe you would stay in Bengal these six years. A very great struggle will be made for the Direction this next April as it will be for four years—I have sent you the Instructions drawn out by the Directors and will send you those, if I can get a copy, drawn out by the Committee of Proprietors.

I expect the Council and Judges will be sailing about 1st March : you may expect them in October.

(B.M. Add. MS. 29134, p. 258.)

No. 5*c*. *F. Sykes to Hastings.* 30th Mar. 1774.

This comes by the Ashburnham, which ship brings to you, your New Council and though you are distinguished in honours, and at the head of

the whole in India, yet you would, I dare say have forgone the extraordinary compliment paid you if matters could have remained in their former channel, and though this is deemed by Parliament only as a trial of five years, I fear this trial by Government will never have an end.

Genl. Clavering's appointment as Commander-in-Chief was much opposed by a large body of Proprietors, yet the Ministry has got such hold and influence over the Company that I think they will by a little management command a superior number of votes by a proprietary interest. The part I have taken was to support Clavering to prevent worse men being sent you. I am acquainted with General Clavering, not at all with Monson and a little with Francis. You will, I am persuaded, find Clavering a very good man, but not a person of those abilities which many of his most intimate friends have given him. Monson is sensible and will think both you and Clavering as a yoke upon his shoulders. Francis you will find warm and lively, but I think no extraordinary depth of understanding. These opinions I have formed by a short and a superficial acquaintance and are never to be mentioned to anyone again. Clavering goes out with a very high opinion of you and I dare say will endeavour to co-operate with you. What general outlines Lord North may have given them I know not, but I am certain he will give none different from the true interest of the Company in which conduct I am certain you would be a match for any of them. It was understood in Parliament, that the allowances given you etc. by the Act, were in lieu of every consideration whatever, but the wise Councillors in this Kingdom now say that the General may receive a further allowance as Commander-in-Chief, if this is the case you and every other servant who may have other appointments may receive I should suppose the emoluments and pay of those appointments. The system now to be framed is so totally different from what has been practised in India, that you will have a great deal of trouble in the establishing it and many doubts about the propriety of it. I have my friend in all this bustle and confusion of parties attended to your interest and honour in every circumstance, where it could be done and am truly sorry the Directors and Proprietors have jobbed on so long to the detriment of both as to lose the supreme management of their affairs—and in order to extenuate their own conduct have loaded every servant, who has been abroad, with every bad epithet which could be uttered out of the human mouth. . . . Such has been the conduct of Directors and some few of the Proprietors against all their own servants, who gave them what they are disputing about and no man has been more active in this business than Sullivan, who I think will hardly ever be in the Direction again. Will be two lists framed for direction of affairs this next April, one be supported by Administration and the other by Proprietors who are connected with the minority in the House of Commons. I think you will have two thirds new men.

(B.M. Add. MS. 29134, p. 359.)

No. 5*d*. *F. Stuart*[1] *to Hastings.* [Undated : probably Oct. 1774.]

I 'break open my letter to acquaint you that the Anson with Sir Elijah Impey, etc. etc. is arrived. I went on board a ship to see him. He parted

[1] A son of Lord Bute, *en route* for England.

with the other ship at Iokanna. I have conversed with him very closely on Government matters. He tells me that *Clavering* comes out with a determination to take the *tone* of his conduct from you, that he is of himself inclined to co-operate entirely with you independantly of any orders or instructions he may have received to that purpose : that you must not be surprised or offended at a *hauteur* you will observe in his behaviour—Monson and him are not on any intimate footing though I understand he also is well disposed towards you. In short your character and your support is so superior that nothing will be listened to that can any way impeach the greater part. For God's sake stay, though your military power is lessened. Give stability to a measure and a system that without your assistance will I am afraid be lost. You know what reason I have to be anxious that it should succeed—Adieu, believe that I have the firmest attachment to you.

(B.M. Add. MS. 29135, p. 417.)

No. 5*e*. *R. Palk to Hastings*. *London*, 25th Dec. 1774.

I have both your favors of the 21st and 24th March and I have perused the papers sent to Mr. Sulivan and you may be sure of my discretion at all times in making a proper use of your correspondence. Your letter as well as the code it introduced, has made you and your abilities more known and if possible raised your reputation. Lord Mansfield, I am told, says the Judges might have been saved the trouble of the voyage, could it have been imagined that you would have taken so much pains to see justice properly executed, as it is, I hope Mr. Justice Impey and you will be able to amend what is wrong. . . .

. . . Whatever may be your sentiments of the late strange Act of Parliament and the appointments under it, I hope you will stay and add new lustre to the great abilities and very honourable conduct you have already shewn. You have now too much to lose, as well as to gain, to give way to the perplexities these regulations must have introduced. Your own knowledge and experience must preponderate at last and point out better regulations. . . .

(B.M. Add. MS. 29135, p. 407.)

Nos. 6.—Francis on his Appointment and the Directors' Instructions

No. 6*a*. *Francis to Col. Monson*. *Bath*, 9th Dec. 1773.

I feel myself much your Debtor for both your Letters. As the Affair of the Cabbin is so kindly and handsomely settled by yourself, I will not attempt to unsettle it again ; tho' seriously I am vexed that you have not everything exactly to your Mind. With regard to the Article of Shaving, which, I think, was your chief Reason for wishing for the Scuttle, I make it my Request to you, that you will constantly use my Room. It will be a sort of Batchelor's Hall, where *you* may command, and where everybody shall be welcome.

I wish for the Success of the great Business we are engaged in, for our common Honour. I wish that it may be conducted with Harmony and good Humour, for our common Happiness.

I am much obliged to you for mentioning Mr. Mackrabie to the Chairman. Whatever you are pleased to say or do in my Behalf, I shall always be glad to confirm. With respect to the Instructions, which the Company propose to give us, it was constantly my own Wish and Opinion, that a Commercial Board, subordinate to us, should be constituted by the Company, for the Management of their Trade. I do not wish for Power for its own Sake ; and if their making the new Board, intirely independent of our Authority, can be reconciled to the Terms of the Act of Parliament, I for my own Part, am well content to have so much less to answer for. But the Act provides that we shall possess all the Rights and Powers incident to or exercised by former Governors and Councils, and I do not comprehend how any Resolution of the Company can vacate that Parliamentary Provision : At all events, if they leave us Power enough to do good, I shall desire no greater. I am anxious to know the Event of the Ballot, which I presume will be taken tomorrow. I shall be in Town about the middle of next Week, certainly before General Clavering's Question can be proposed.

(Francis MSS. No. 29, p. 317.)

No. 6*b*. *Francis to Dr. Campbell. Bath*, 11th Dec. 1773.

I am very sensible of your Kindness to me, in taking the Trouble of writing upon this ill-managed, vexatious Business. If I may believe the Newspapers, there was hardly a Man in the General Court, prepared to support the Instructions, nor even nine Proprietors to demand a Ballot. I pay no Regard to any Report or Suspicion that the Minister is weary of the Measure, and wishes to have done with it. Let what will happen in Leadenhall Street, he cannot retreat, and all that Violence of Opposition will only create the Necessity of a firmer System. The Duke of Richmond's Ideas, if they are rightly stated in the Public Advertiser, lead directly to the Establishment of an Imperium in Imperio. He makes mere Cyphers of the Governor and Council, and evidently means to defeat the Purpose of the Legislature. I do not blame his Grace nor his Friends. They have formed a regular Plan of Opposition to Government, and they pursue it with Spirit. I only wish there was a little more of his Spirit and Perseverance on our Side. I am much mistaken, however, if what his Grace proposes :—viz., to make the Commercial Board intirely independent of us, can be done consistently with the Act of Parliament. If it can, there is no other Branch of the internal Administration, which the Company may not commit to the Care of separate and independent Boards. It is true, we are to obey the Orders of the Court of Directors ; but our Obedience is due only to such Orders as are not repugnant to the Will of the Legislature ; otherwise the Act would be nugatory. You cannot conceive, my dear Friend, how little I am concerned, for my own single Share, about the Quantity of Power that may ultimately be left to us. There is no Situation which a Man of Honour may not fill with personal Credit, and I had rather that the Company, at the Period of my Administration, should regret their not having trusted me with more Power, than that they should repent of having trusted me with too much. But I am really anxious for the Honour of the Minister and of Government, and for

the Success of this important Measure, on which, I am greatly inclined to think, the Fate of the British, as well as of the Eastern Empire depends. . . .

(Francis MSS. No. 29, pp. 320-2.)

No. 6c. *Francis to A. Wedderburn. Calcutta,* 3rd Apr. 1777.

. . . I came into this Country with Impressions very unfavourable to the System of Government, which had for the most part prevailed in it, since it fell under the actual Dominion of the Company's Servants. Setting aside all private Information, the Papers published by the House of Commons proved enough to warrant such Impressions. The Interposition of Parliament supposed the Existence of great Abuses and the necessity of correcting them. A Change of Persons would have been merely an arbitrary Act of Power, if no Degree of Delinquency or Incapacity had been imputed to our Predecessors ; or it would have been useless, if the Principles on which they acted, were to be adopted by their Successors. For every Purpose of immediate and unlimited Profit, whether to the Company or their Servants, I presume the Government of Bengal could not have been committed to abler Hands than those, in which we found it. The only Explanation I ever had the Honour of receiving from the Minister corresponded intirely with these Ideas. He spoke of the Services expected from the new Commission with Strength and Energy which plainly shewed his Opinion of the Subject, on which such Services were to be employed. On the other hand our Instructions directed us to make the *strictest Inquiry* into all Oppressions, and Abuses, and that, in all our Deliberations and Resolutions we should make the Safety and Prosperity of Bengal our principal Object. I must desire you to carry these Data in your Mind. My own Justification compels me to say, in one most material Article, we were all mistaken, except the late Lord Clive. I mean the personal Character of Mr. Hastings. As to Mr. Barwell, I think you cannot but recollect that, even at the time of his Appointment, he had very few Friends or Admirers in England. The Minister was blamed for admitting such a Man into the new Council ; and after the Bill had passed the House of Commons, it was a Question, whether his Name should not be omitted by the House of Lords. With respect to him there was no Mistake. In regard to Mr. Hastings, I can most solemnly affirm that, before our Arrival in India, every Prepossession was in his Favour. He knew it well and asked me in one of our earliest Conversations, what he had done to occasion so sudden and intire a change in our Opinions of him. My Answer was in the following Words. "Sir, every Thing we expected to find White, we found Black." The Facts, on which this Change was founded will I believe, sufficiently account for it, without the unnatural Supposition of personal hatred, unprovoked by personal Injury of either side or of a premeditated Design to ruin a Man, whom every Duty obliged us to support, if every Duty did not oblige us to oppose him ; and whose Assistance in the first Instance at least was essentially necessary to us. As to Myself, I presume it is apparent enough that, supposing such a Plan to have been formed by any of us, *I* could be no way benefited by its Success. *Far otherwise.* . . .

(Francis MSS. No. 38, pp. 567-609.)

APPENDIX TO CHAPTER II

Nos. 1.—Francis *en route* for Bengal

No. 1*a*. *Francis to H. Strachey. Spithead,* 5th Apr. 1774.

. . . I am meditating a formidable letter to Lady Clive. In the meantime you must interpret for me to her Ladyship and Mrs. Strachey. I am very proud of leaving so many and *such* Friends behind me: but that Triumph is dearly paid for. I pray you to preserve me a Place in the Remembrance of all the good People in your House. I shall hope to receive a letter from you full of news, Politics and India Affairs by the Calcutta. . . . You are all bound to feed me with Letters as you have heretofore done with solid victuals. I wish Lord Clive would communicate a Portion of his fortitude to his humble Servant. Nobody wants it more than I do; and nobody can spare it better than his Lordship. Cabals, I hear are forming against us in India. But I fancy they are not half so determined to resist, as we are to overcome.

(Francis MSS. No. 36, p. 9.)

No. 1*b*. *Francis to J. Robinson. Madeira,* 30th Apr. 1774.

Nothing could be more favourable than our voyage from Spithead to this Place, and notwithstanding my Lord Sandwich's Wager, we have no fear of losing our Passage. . . . I see the Difficulties that attend the Choice of a new Court of Directors, and very much fear that some of the most troublesome of the Opposition will find their way into it. There is no Remedy, but to induce the Friends of Government to qualify as fast as possible, in order to fill up every future Vacancy with proper People. This appears to me so important a Measure, that I cannot help urging it to you, as I have often done to my Lord North, in the strongest Terms. *His* Honour is as much at stake as ours, and unless we have a Direction that will concur and unite heartily with us, there is but too much Reason to apprehend that the Minister's Reputation and that of the Men he employs will fall together. *We* perhaps may escape, with the Contempt of the World, but assuredly the Reproach and Danger of advising Measures, strong enough to offend Individuals but not strong enough to produce any great Public Benefit, will ultimately fall elsewhere. Your own solid Judgemont cannot fail to suggest to you how much might be said upon this Subject: but I will not anticipate Difficulties. Whenever they occur, I shall think of nothing but how to overcome or remove them.

(Francis MSS, No. 36, pp. 18-20.)

No. 1c. *Francis to H. Strachey. Madras*, 23rd Sept. 1774.

In the midst of all the hurry and confusion that ever were created by Crowds, Ceremonies and hot Weather, I snatch a moment to inform my Friends in Berkeley Square that hitherto everything has prospered with us. Our Voyage, tho' not quick, has been very fair. We arrived here on the 20th, and were received with all real Honour and all the apparent Cordiality that can be imagined. Mr. Hastings has prevented us by the most obliging Letters, one of which Mrs. Francis will show you, that you may judge of the Disposition of our Friends at Bengal. The Nabob here has been as courteous as we could wish and more so than we could have expected. In short, everything hitherto looks flattering and comfortable. If the Conclusion does but follow regularly from the Premises!—The warmest Assurances of my Esteem and Attachment wait on Lord and Lady Clive, Mrs. Strachey, her Daughter and Miss Ducarel. I am interested in everything that concerns you all. If you have written me any Letters to Calcutta, they are forwarded to Bengal. We sail this Evening. Judge of my hurry. I am better pleased with Mr. Wynch, than I ever thought I should be with anything that bears the name of Governor. When I have had leisure to look about me at Bengal, I think I may trouble Lord Clive with a letter. . . .

(Francis MSS. No. 36, p. 21.)

No. 2. *Memoranda for Proceedings in Council.* 24th Oct. 1774.

1. To give Mr. Hastings full time to explain his Sentiments and Intentions, and to make whatever Propositions he pleases.

2. Colonel Monson to move that the Military Commissions of the Governor-General and Commander-in-Chief be given out immediately in public orders.

3. Mr. Francis to move that the Commander-in-Chief be desired to examine and report to the Board the State and Deposition of the Army Magazines, Barracks, Stores etc. etc., with such observations thereupon, as he shall think necessary for our Information.

4. To appoint and swear the Secretary and his Clerks; and either to swear and bind ourselves to Secrecy by a Promise upon Honour.

5. To enquire whether the late President and Council have drawn up any Account of the State of this Government up to their Dissolution, for the Information of the Court of Directors.

6. If no letter to this purpose has yet been prepared to desire Mr. Hastings to draw up and transmit to the Court of Directors an exact representation of the Condition of their Affairs, in every branch up to the Period, at which we assume the Administration.

7. To desire Mr. Hastings to give us now a general summary State of the Government, under the following heads: i. The Political and Military Department. ii. The Success of the Collections under the plan established by the Committee of Circuit. iii. The actual State of the Treasury. iv. The Administration of Justice.

8. To enquire particularly into the Nature of our Engagements with Suja Dowla.

9. To enquire whether any of the Company's Troops are now in Suja Dowla's Service—on what Terms, and in what operations they are employed, and how far they have at any time marched beyond the limits of these Provinces.

10. To be determined by Mr. Hastings' Answers, whether the Brigade, which we hear has been employed in the War against the Rohillas shall or shall not be immediately recalled.

11. If that Brigade be recalled, then to send Orders for the Brigade at Barrampore etc. to advance forthwith to Patna.

12. To order all the original letters from Mr. Middleton and Colonel Champion to Mr. Hastings, with Mr. Hastings's Answers to be prepared for our Inspection.

13. To order the whole Correspondence between Suja Dowla and Mr. Hastings since the Treaty of Benares, to be also prepared for our Inspection.

14. If the Governor declines communicating any of the above Correspondence to us, to minute his refusal, and to order Mr. Middleton to be recalled immediately, and Captain Harper to be sent to reside at the Durbar in his room.

15. To enquire whether any, and what Treaties or Engagements have been entered into by this Government and the Rohillas.

16. To direct the Secretary to prepare such Extracts from the Letters of the Court of Directors, as contain any Orders against their Troops marching beyond the Limits of the Provinces, except for the Defence of the Vizier's Dominions, as stipulated by Treaty in the year 1765:—also such Extracts from the Letters of the late President and Council, as contain Assurances to the Court of Directors of their Resolution to adhere to the above Orders.

17. To appoint a meeting with the Judges forthwith in order to settle the Police of Calcutta.

18. To order a list to be prepared of the Company's Civil Servants, as well natives as Europeans, with their several Employments, Salaries and Emoluments.

19. Also a list of the Company's Servants employed in the Civil Line out of the Limits of the Provinces:—their Employments and the heads of their Instructions.

20. To take charge of the Treasury and appoint a Committee of Treasury.

21. Quare—Whether there be or should not be a Guard at the Council House and Treasury ?

22. To write Circular Letters to such of the Members of the Board of Trade as are employed in the Collection of the Revenue or Provision of the Investment, to make up their Accounts, and deliver over their Charge to the next Civil Servant at their respective Stations.

23. That the Board continue to sit from day to day for the despatch of Business.

24. That all letters on public Business (except those which the Governor-General shall receive from the Country Powers) shall for the future be addressed to the Governor General and Council and opened in Council.

25. That when the Board shall adjourn for more than one day, and any Letters shall be received in the Interval, the same shall be opened by the Governor General, and sent round to the Councillors for their perusal.

26. That all petitions be addressed and delivered to the Governor-General and Council, and none others received, and that public notice be given of this Regulation.

27. That letters be prepared to the Princes of Indostan and other Country Powers, to notify our Arrival and the Change in this Government.

28. Like letters to the Chiefs of the Foreign Factories.

(Francis MSS. No. 36, pp. 25-8.)

No. 3. *Hastings' Letter of Recall to N. Middleton.* 3rd Nov. 1774.[1]

I have already informed you of a resolution of the New Council for your recall. Before you take leave of the Nabob endeavour to remove the alarm which he may receive from so abrupt and unexpected a measure, which he will no doubt ascribe to an influence overruling my Authority. Assure him it shall be my care to prevent his interests from being materially affected by it, and that the treaties which subsist between him and the Company shall be ever kept sacred and inviolable, so long as he shall furnish no occasion for the charge of a deviation from them on his part. He must be punctual in discharging his pecuniary engagements. This will secure him from every subject of uneasiness on the part of this Government for a twelve month to come, and I think I may safely trust to the long services which I have rendered the Company and the degree of credit which I have acquired from them, that it will be in my power to place his alliance with the British nation after that period on a footing, which shall not be liable to suffer by the fluctuations in this unstable government. This I make my object and I *will* accomplish it, for I am certain that I can convey so clear a conviction of its utility to the Company, to the Nation and to the King that nothing but private interests can oppose it, and that I fear not. Do not attempt to deceive him by ascribing your recall to an act of mine, or by giving plausible reasons for it. The attempt would be ineffectual and might weaken the credit of your other assurances. Give him also this advice, to avoid entering into any undertaking which may draw on him new enemies, or oblige him to call for the aid of our troops, but rather to confine his views to the security of the countries which he has acquired and the regulation of his Government and collections.

I shall write to the Vizier by another opportunity.

(B.M. Add. MS. 29135, p. 302.)

Nos. 4.—Francis opens the Campaign against Hastings and the India Company

No. 4*a*. *Francis to Lord Clive.* 30th Nov. 1774.

. . . Read the Dispatches to the Court of Directors ;—judge for us,—defend us,—act for the Nation. We have no separate interests—obtain for us the thanks of the two Houses.—We deserve them. If not, there

[1] 1st letter dated 27th Oct. 1774, B.M. Add. MS. 29135, p. 296.

is no medium. We ought to be recalled—But woe to Bengal. Woe to England, if that should happen. In a few words, when your Lordship came here in 1765, this country was in a state of Innocence and Purity ! It was Paradise before the fall, compared to the condition in which we found it ! Rely on what I tell you—The foundation is shaken and even Hastings confesses it. [In figures—" Mr. Hastings wholly and solely has sold and ruined Bengal. He is the most corrupt of villains. Mr. Barwell is an ignorant false, presumptious blockhead."] You must get D'Oyly to decipher.

(Francis MSS. No. 49.)

No. 4*b*. *Francis to Thomas Dea. Calcutta*, 30th Nov. 1774.

If I considered you only as a private friend, the incessant and laborious Business into which I am plunged would be a sufficient Excuse for my neglecting you. But you are the Friend of the Public and I can assure you with the sincerest Truth that the Public, in this Branch at least of their Affairs, never wanted the Assistance of good Men more than they do at present. What concerns myself personally, is a Trifle compared with the State of the Company's Affairs as you will find them represented in our Dispatches by this Ship. Inquire minutely and if you think we have done right, I conjure you not to content yourself with giving us a simple Approbation, but to rouse and exert yourself in obtaining for us a clear and decisive Support. The Salus reipublicæ is at stake. This Consideration I am sure will determine you to act with Vigour. If your Friendship for me and the Confidence you repose in my Integrity should contribute to animate your Zeal on this important occasion, I shall feel it as a personal Obligation but believe me you owe it to the Public. Since I landed in this Hell I have not known one Moment's Peace of Mind. My Health, however is good and my Resolution unshaken. Even with the firmest Support from Home I fear the Combination here is too powerful to be resisted by the Virtue of a few Individuals, without it, the *Game is over*. You will have more particular Information of the Appearance of Things, from your other private Letters. But you must obtain a sight of our Dispatches, and the late consultations, it concerns the political State only. Of this I think I can form a clear Judgement : the rest is involved in too much Mystery and Confusion to be penetrated distinctly, by any human Sagacity. In the gross I already see a Chaos of Enormities which must either be corrected or the Company must fall. Every step we take is attended with Resistance and Dispute in which all the Advantages are against us. In short my friend there is not one sound Particle in this Constitution. I do not pretend to work Miracles, but if we are vigorously supported the evil day may perhaps be put off. When the Limbs mortify you have recourse to Amputation—What will you do if the Head be rotten ?—Trust me, my Friend, Putrefaction is Purity, compared to the State of this Settlement—I fall into Repetitions for my Head and Heart are full. . . .

What you have read my good Friend is of a most secret and delicate Nature. The Terms in which I express myself are free, but they are strictly just. My Letter is for yourself alone. If you can obtain the Information to which I refer you, act upon it. If not, you must consider

all that I have said as so much Confidential Conversation and only take the Part of a private Friend to my Honour and Interest.

I refer you to Mrs. Francis for the Particulars of my private History. Livius [1] is an inmate of my House and my left-hand Man.

(Francis MSS. No. 36, pp. 45-7.)

No. 4*c*. *Francis to Welbore Ellis. Calcutta*, 1st Dec. 1774.

(Part printed in P. & M. II. p. 19.)

Give me leave to add in the utmost Confidence to the Contents of the Inclosed Letter, that it is not in the Power of Words to exaggerate enormous Villainies, which have been practised in this unhappy Country during the last two Years. The Facts speak for themselves. Be assured, Sir, that if Mr. H. and Mr. B. are not immediately removed this Country will be worse than lost to Great Britain long before the Period of our Administration. If it cannot support its own Expenses it had better be sunk in the Sea. It will then be a Burthen upon our Shoulders, which we shall not dare to throw off tho' we are unable to bear it. With respect to Persons I shall only say that Appearances are strong, and the Conclusion obvious, yet I am not in such Despair as to suppose that a Country like Bengal is not to be recover'd. But, indeed, Sir, it will require decisive Measures on the part of the Legislature. Great Power must be lodged in honest and able Hands. In the meantime we shall do our Utmost to stop or prevent any signal Mischief. To do positive Good with the chief Executive Officer and another of the Council perpetually meeting us in front is impracticable. Mr. H. had contrived to draw the whole Administration into his own Hands. The Consequence is that whatever information we get is extorted from him ; and you see how easy it is for a Man in his Position not only to perplex and deceive us, but to retard and embarrass the Execution of Measures already resolved on.

As to Inquiries into Abuses, he tells us plainly that he looks upon every such attempt on our Part as a personal Attack upon him or his Administration and indeed with some Reason, for as this Country is sold in Jobs from top to bottom, so, let the Case be what it may, we are sure to find Mr. H. or some of his Connections one way or the other concerned in it.

This makes our Labour endless and miserable. We have done our Duty hitherto, it will rest with the Powers at Home to do theirs. Whatever may be the event I hope to return as I came—an honest Man. It would be very easy for me to return a rich one.

(Francis MSS. No. 36, pp. 56-9.)

No. 4*d*. *Francis to H. Strachey. Calcutta*, 7th Dec. 1774.

Consider this as a Supplement only, to a thousand Letters from me which you will see and hear of. The Turn of all the Advices on the other side of the Question will be to prejudice the Company and the King's

[1] Brother-in-law of Ed. Wheler, Chairman of the Court of Directors.

Servants equally against us, for acting in such a Manner as will necessarily bring the Consideration of India Affairs again into Parliament. The Answer is, *There is no Remedy*. In a Year more they must have brought themselves there.

That we may not mistake one another remember that I tell you 77. 90. 88. 26. 31. 6. 3. 22 and 69. 43. 51. 35. 13. 73. 85. 34. 58. 11. 53. 3. 16. 89. 74. 82. 56. 71. 99. 92. [Bengal is ruined and Mr. H. alone has done it.] With such a Council as the present to set things right is impossible.

Let my Lord Clive look to his Jaghire. Trust me whatever they say to palliate the decline in the Revenue or to suggest better Hopes for the Future is all a Lie. By the next Ship I believe we shall send you such an Account of the internal State as will make every Man in England tremble. Farewell. My Honour is safe. . . . The best Thing you can do is to come out here yourself. I expect copious Letters from you.

(Francis MSS. No. 36, pp. 60-2.)

No. 4*e*. *Francis to the Earl of Kinnoull. Calcutta*, 30th Nov. 1775.

. . . You cannot but have heard of the unhappy Situation of Affairs here. On our Arrival we found everything diametrically the reverse of what we had reason to expect. An Acquiescence in the System established would have secured to us personally a quiet Life and an ample Fortune, but they must have been purchased at the Expense of Honour and Integrity and of the probable Ruin of Bengal. The Line we took has involved us in all the Distress and Confusion naturally incident to divided Councils, Factions, Oppositions and personal Animosities. The Labour and Vexation I have undergone and must still endure for several Months until a Decision and new Arrangement can come from England are really inexpressible. If we have not done our Duty we have been amply punished for it already. . . .

(Francis MSS. No. 36, p. 273.)

Nos. 5.—The Campaign Continued

No. 5*a*. *Francis to Lord Clive. Calcutta*, 12th Jan. 1775.

For public Matter and Argument, I must refer your Lordship either to the Court of Directors or to Lord North. When you see what and how much I have done, *you* will be surprised, because you know the Ground and the Difficulties. Think moreover what it is for the youngest Councillor, tho' supported by a Majority of Votes, to extort Knowledge from a Man in Mr. Hastings's Situation, supported by Mr. Barwell, and with every Man in Office at his Command. He will not even answer the most simple question without a Debate which never concludes without violent Asperity and Passion on his side and the Necessity of downright Force on ours. Such Slavery is worse than the Mines. In him this Conduct is partly Policy, first to distress us, and then to throw the Blame on us, for retarding Business by Debate. But it chiefly arises from a guilty Mind and the Terror he is under. In these Circumstances you see how utterly impossible it is for us to get forward in doing any public good. Some negative Advan-

tages however have already been felt from our appearance here. We have given a Check to flagrant Acts of Violence and Oppression. This can only be momentary. The Torrent will soon overpower us, especially if the Court of Judicature should *not be enabled* to act with Vigour—Besides that, —the Governor and Council, provided you fill up the Vacancies with proper Men, must have Power. The System on which we set out was weak and imperfect, even supposing a united Council; judge what Effect it can now produce.

It is proper that you should be apprised of some Parts of Mr. Hastings' Management, that you may be able to defend us against the Consequences. His grand Study is to create Pretences for complaining that urgent Affairs are delayed or neglected, and for attributing that Neglect or Delay to the affected Embarassments and Distress with which his new Colleagues endeavour to perplex and afflict him. The Manner, in which this Part is acted and supported at the Council Board, and represented in the Governor's Minutes has given me, I confess, a view and insight into the human Character, which I never had before. Starts of the wildest Heat and Passion, however inconsistent with Dignity and Decorum, may be attributed either to a sensibility of Temper, which might easily be forgiven, or to the involuntary Emotion of wounded Innocence, which want no Excuse. At our first Acquaintance with Mr. Hastings, though we thought his public Conduct indefensible, we felt for the Man. We have now better Lights to guide us. Concerning his Innocence, I presume it would be injustice to form a Doubt. Even with respect to his Feelings I very much question whether they really exist in the Degree, in which they are represented; or if they do, we are very sure that they are not of that Quality, which might claim an Allowance on the score of Frailty common to us all, or which ought to excuse the Emotions they produce.

(Francis MSS. No. 49.)

No. 5*b*. *Francis to C. D'Oyly*. *Calcutta*, 12th Jan. 1775.

Most Secret.

If I write confidentially and truly to you, it is all that you are to expect of me. I am harassed to Death. Even the Certainty that I am engaged in the justest Cause and in support of two of the most honourable Men in the World is not sufficient to keep up my Spirits. I will tell you in Confidence what I endeavour to conceal under a gay Appearance here. My Heart is almost broken, when I consider the woeful Task I have undertaken, and the Improbability of my getting thro' it with Credit to myself or Benefit to the Public. That I should be recalled for having done my Duty, at the Expense of all private Interest and Happiness appears to me impossible. You know the Consequence to my Future and Family. Yet I had rather meet my Fate in England, than stay here in a perpetual Scene of Warfare. Meditating Measures will answer no good End. If Mr. Hastings's Measures could, under any tolerable Colours of Plausibility, be attributed to Error of Judgement, I would still gladly join with him, and endeavour to unite the Council upon the Ground of future Conduct. But let no Man in England deceive himself. Future Union is of all things the most impossible. The Truth is that 73, 68, 81, 176, 69, and 71, 2, 52, 73, 27, 38, 55, 43, 10, 68, 3, 22, 70, 13, 73, 10, 66, 12, 51, 17, 34, 90, 3, 88

[Hastings and Barwell are two abandoned Villains] and that everything has been 29, 70, 51, 22, 105, [sold] and that 77, 6, 29, 52, 60, 12, 3, 73, 20, 102, 100 [Bengal is ruined]. Judge then whether it be possible for us to unite hereafter. Yet if 72, 2, 3, 20, 69, 58, 85, 55, 31, 17, 11, 20, 23, 52, 16, 30, 43, 51, 17, 23, 11 [Colonel Monson and General Clavering should be recalled] you must take care among you to 21, 32, 16, 25, 1, 73, 8, 23, 52, 16, 27, 90, 17, 51 [keep me here till] I have had it in my Power to make 19, 62, 18, 35, 26, 27, 60, 13, 73 [my fortune] in 22, 32, 25, 73, 3, 11, 2, 3, 74, 99 [dependent]. With respect to Bengal I am satisfied in my Conscience that we find it a Country so inclined to ruin that nothing but a vigorous support given us by the Legislature and a Change of Hands can save it. I have no Interest to serve personally. It is the same thing to me, who shall be Governor—nay it would have been my private Interest in a very high degree to have had Hastings continued in the Government. How that is possible, I know not. Think and act for me in everything. Nothing can exceed the Cordiality that exists between G.C. [General Clavering] and myself. I say the same of Mr. M. [Monson]. My Heart is united with them both.

Separate and most secret.—You of course will know and I think no Man can mistake the Hand and Head, from which the Dispatches by this Ship originated and are compleated. I did not think myself capable of a thousandth part of what I have done. See, inquire and judge—This, if ever, is the great important Crisis, in which I have often told you, that Titles must give way, and every Man take Rank according to his Abilities. 133, 257, 472, 125, 103, 67, 37, 2, 88, 53, 3, 30, 32, 52, 16, 88, 55, 17, 66, 11, 257, 175 [Clavering was once resolved] not to be 15, 85, 12, 16, 9, 133, 8, 455, 23 [chief he] is now 125, 22, 73, 74, 16, 52, 19, 6, 237, 3, 22, 27, 35, 103, 43, 30, 15, 32, 25, 74 [determined to accept].—The first Idea was without Premises or Knowledge—The second is diametrically contrary to both—

133, 8, 73, 257, 125 [He] should have the 90, 13, 74, 6, 52, 135, 32, 120, 30, 70, 19, 1, 68 and of the 102, 126, 43, 26, 19, 62 [intire command of the Army] with proper 135, 85, 70, 257, 13, 35, 87, 52, 103, 29, 126 [honours] —As for myself I care very little about the Event. If a Governor be sent out from England to supersede us, we shall all resign and let the Minister look to the Consequences. If a *new* Governor was the first of the human species, he must have time to learn. In the meanwhile, the object is lost. I doubt even whether it can be preserved till the return of these Letters. All this you see is for *yourself and yourself only.* In short, it contains the grand Secret and Kernel of the Business. I doubt whether it will be possible for me to write a line even to my Wife by this Ship. Adieu. Observe. Act. The Ground is clear; the Argument unanswerable. The Necessity paramount to Everything.

(Francis MSS. No. 36, pp. 105-11.)

No. 5c. *Francis to Lord North. Calcutta,* 22nd Feb. 1775.

Private.

The inclosed Paper will I hope excuse me to your Lordship for troubling you at this Time, with anything, that may seem to have only an immediate Relation to myself. Having gone fairly and directly to the Business before

me, and having never personally attacked the Governor-General or anybody else, I could not expect or foresee that he would have travelled out of his way to convey by Implication so passionate and indecent a Reflection upon my Conduct. I shall easily convince your Lordship that his proceeding to me deserves these Applications. Indeed his illnatured Intentions are so fairly and completely turned against himself that what he meant for an insidious Compliment to General Clavering and Colonel Monson and for a Reflection upon me, has produced in both Instances, an effect the very reverse of what he expected. His true Object is to divide us. The Means, he takes to compass it, are, to pay an occasional attention to one of us at the Expense of the other two, and we have all had our Turn. In this Design I know he never can succeed. But he may also have another Design, in which it is not impossible that, with the help of violent misrepresentations from hence, and the Assistance of a zealous Party in England, he might meet with some degree of Success. If he cannot divide us here, it still answers a purpose to ruin or injure our Character in England. Now, *I* am unquestionably the weakest of the three. That is, I have no personal Interest or Consequence to support me at home, and tho' in fact I may not be his real or principal Object of Resentment, yet, as I am undoubtedly disliked by him in some degree, he turns his Resentment into that Channel, in which he thinks it most likely to be gratified. At all events, let his real Intentions be what they may, I am bound by every Interest and every Duty, not only to my Family and myself but to your Lordship, to whom I immediately owe my present Situation, to satisfy you that I have never acted upon Party Principles, as the Governor is pleased to intimate, and to guard myself in your Opinion, from the effect of such Insinuations. If, in this or any other Instance, the Governor-General's Conduct or the Motives I attribute to him, should appear upon Examination to imply a weakness and want of Judgement in him that exceeds Probability, I can only say with an appeal to your Lordship's own future Observation, that, without denying him some little Talents of the third or fourth order, we were as much deceived, with regard to his Abilities and Judgement, as to his other Qualifications. I look back to my own Prepossession in his favour as to a State of Delirium, from which he himself has recovered me. . . .

(Francis MSS. No. 36, pp. 191-202.)

No. 5*d*. *Francis to Welbore Ellis. Calcutta*, 22nd Feb. 1775.

. . . Exaggeration is not a Figure of Speech incident to a Description of the State of this Country and Government. You will hold my Finance very cheap ; but, Sir, the Truth is that, notwithstanding some Appearances of Ability, the state of plain right Reason is very young in Bengal. To establish any Proposition whatsoever, we are constantly obliged to go back to the first Elements, and so deduce the Argument step by step to a regular Conclusion. When we do so they first dispute the simplest Postulata, and at last deny the Truth of the Demonstration.

Yet, if the Powers at Home take proper and decisive Measures we may still recover. That is we may slowly repair a delicate Machine, which has been violently broken or discomposed, sometimes by direct, intended Violence ;—sometimes by want of skill in the Managers.

To my Lord Barrington, I never can have any reserve, therefore beg you will be so good as to communicate these Papers to his Lordship. My Letters to Lord North will explain everything.

After a great deal of Contention we have at last come to a Determination, to put a stop to all Measurement of Lands and Inquisition into Titles —to begin with a Reduction of Interest upon 15 Lack, and to dissolve the Bank. I persuade myself that you will have the Goodness to read the Papers I send you and to possess my Lord North of the Substance of them. . . . My earnest wish and hope is, that every Representation sent from hence by both Parties, since our Arrival may be printed and published as soon as possible.

(Francis MSS. No. 36, pp. 203-6.)

No. 5*e*. *Francis to Lord Barrington. Calcutta*, 25th Feb. 1775.

I intended to have troubled your Lordship with a Duplicate of my Dispatch by the present Ship to Mr. Ellis. But it is impracticable. I myself and my Secretaries are fairly worn out. Mr. Ellis will communicate the Papers to your Lordship, and I flatter myself you will honour them with some Consideration. . . . The inclosed two Papers are curious. The first will give you some Idea of the Character of Suja Dowla ; the second contains an Account of his Death. I have the pleasure of assuring your Lordship that he died in Torments equal to anything but what he deserved. Such a Miscreant has not existed since the days of Nero.

If Colonel Champion, who goes home in this Ship, should fall in your way, I beg leave to recommend him to your Notice. He appears to me to be a man of Honour and Humanity, and I hope he will be graciously received at home. His Narrative of the Rohilla War is truly curious and ought to be published.

With respect to the Situation of Affairs in this Country, I shall only say in general that nothing on this side of flat Despair can be worse. If there be a Doubt about the immediate Recall of our two Colleagues, farewell Bengal. Mr. Hastings is determined, at all Events, to hold out until the return of the Answer to our first Letters. After that, your Lordship cannot expect that any of us will sit in Council with either of them. My own personal Situation is highly embarrassing. I may lose my Health, my Credit, and Peace of Mind, and not return home with even a moderate Reward. Again I commit myself to your Lordship's Patronage.

My Lord North will communicate to you a private Letter, with which I have taken the liberty of troubling him on a Subject that concerns myself alone. I intreat your Lordship to defend me in whatever quarter you may think it most necessary and advisable. I have stated the Truth with respect to former Connections, tho' I fear it will do me no good. I will add one Truth more however, that my Life here is so burthensome and vexatious, that I care very little what happens to me.

(Francis MSS. No. 36, pp. 76-9.)

No. 5*f*. *Francis to Edward Wheler* (*Chairman of the Court of Directors*). *Calcutta*, 28th Feb. 1775.

The Course of public Business, in which I am perpetually engaged, is too heavy and laborious to permit me to pay the personal Attention to

yourself and Mr. Harrison, which it is equally my Interest and Inclination to shew you. The public Letters and Minutes will show you how I am employed. If it should ever be a Question whether I have applied myself fairly and honourably to the Company's Business, or whether I have acted upon personal Motives of any Kind whatsoever ; I appeal, for my Vindication, to the Papers on Record, and to the Testimony of every Man in this Settlement, who has an Opportunity of observing what passes.

The Court of Directors will naturally wonder that no Instructions have yet been sent to the Provincial Councils. It has not been my Fault. I proposed some Heads, so long ago as the 28th of last Month, which you will see in the Consultations of that Day : yet nothing has been done. In my humble Opinion, the chief Executive Officer is answerable for this Omission, particularly as the Business was already done to his Hand. The youngest Member of the Council cannot drive the President against his Will, especially supported as he is by one of the Council, who generally improves upon the President's Opinion, let it be what it may, without Reason or Necessity. Mr. Barwell always goes considerably beyond Mr. Hastings. I cannot comprehend why. Look at his Opinion about the Guaranty of the Rohilla Country to the late Vizier,—or at his late Opinions concerning the Succession. In short I think it is my Duty to tell you fairly that, if either of these Gentlemen are permitted to stay (which indeed cannot be done without manifest Hazard to the Welfare of the Company) you had better keep the Man who has some Parts and considerable Experience. I say this without the least personal Prejudice or Preference, against or in favour of either of them. Personally, perhaps, it would be more easy and comfortable to me to keep Mr. Barwell than Mr. Hastings. I should unquestionably be of so much the more Consequence in Council. But this is an Advantage not to be had, but at the Expense of the Company's Interest and Service. . . . I beg you will present my Compliments to Mr. Harrison—I recommend myself to your united Protection.

(Francis MSS. No. 36, pp. 79-85.)

No. 5*g*. *Francis to Lord Clive. Calcutta*, 28th Feb. 1775.
(Part printed in P. & M. II. p. 29.)

Private.

It is lucky I have but a Word to trouble you with, since I have but a Moment to say it in. Look sharp after the Fate of your Jaghire. No Man now has the Folly to deny, that the Revenue is in a rapid State of Decline. . . . The Committee of Circuit has ruined Bengal. Even Hastings, himself, I think, is very tender of disputing the Truth of this Proposition. I must now recommend myself in a particular Manner to your Lordship's Friendship and Protection. That I should continue here with Influence is no less your Lordship's Interest than mine. I will not scruple to say to *you*, what I have never suggested to any other Person, that if *I* am recalled, or if an Arrangement should take place, under which I cannot exert myself with Effect, you may as well take your Leave of Bengal forever. What I most earnestly wish is, that Strachey might be sent out in Council. We know each other, and could act together without the Possibility of differing—For the Rest, I refer you to Mr.

D'Oyly who is hereby directed to communicate to you the Contents of my Letters to him by these Ships. The Fatigue I go through exceeds the Power of Description.

(Francis MSS. No. 36, p. 85.)

No. 5*h*. *Francis to Dr. Macnemara. Calcutta*, 28th Feb. 1775.

Private and most Secret.

A Word you shall have tho' I am worn to a Shadow. Observe the extraordinary Crisis of Affairs. Exert the Influence of your Connections with any Friends of Lord Weymouth, Mr. Rigby or the Earl of Sandwich. I have never given them the least Offence of any sort. My Honour and Everything is at Stake. Do this, as you love me, Farewell.

(Francis MSS. No. 36, p. 91.)

No. 5*i*. *Francis to Ed. Wheler. Calcutta*, 21st Mar. 1775.

In the midst of these unhappy Disputes, I flatter myself the Court of Directors will observe, that I have laboured, with unwearied Application to carry some of the most important Articles of their Instructions into Execution ; as far at least as depended on the most strenuous Exertion of my Abilities and Influence. With the chief Executive Magistrate and one of the Council perpetually against me, and apparently resolved, as they are, neither to act themselves nor to suffer others to act for them, it is impossible to do more. The Charges against Mr. Hastings are now positive and direct. More are expected from all Quarters both against him and Mr. Barwell.

We wait impatiently for a Decision from home. As to myself I am indifferent about the Event. You have now three Men in your Government, who will not take Money. Let us be recalled If our Superiors think it proper : but let them at the same Time understand that they should take a final Leave of Bengal. I beg leave, in proof of my own Diligence to refer you to my several Minutes on the Bank—the Measurement of the Dacca Lands—Instructions to the Provincial Councils—Bonded Debt, Coinage, Weights and Measures—and the Salaries of the Officers of the Supreme Court of Judicature.—I have still another Minute in contemplation on a very important Subject. I mean the future Management of the Salt Trade. . . . I must also prepare a Plan for the future remittance of the collections to the Presidency after the dissolution of the Bank.

In this and every other Instance, I hope to be honoured with your Patronage and favourable Interpretation of me to the Court of Directors.

(Francis MSS. No. 36, pp. 93-6.)

No. 5*j*. *Francis to Lord North. Calcutta*, 17th May 1775.

Private.

It is my Duty to inform your Lordship that the Dissensions in this Council are now carried to an Extremity which retards and embarrasses all public Business, and which I fear may be attended not only with material Prejudice to the public Service but with other fatal Consequences.

The Part, which I am sometimes compelled to take in these Dissensions,

is as little consistent with my Temper and Inclination, as with my Interest. My constant Object is to forward the Despatch of public Business, as much as I can, and to prevent or moderate disputes between others. Your Lordship will know how little I have meddled with personal Accusations or Reflections. Yet in the course of such Debates, as I am often unavoidably involved in, it is not possible to be so guarded as never to suffer a sharp or hasty Expression to escape me. It would not be fair to any of us to consider the various Minutes, which appear on our Records, as if we had had time to weigh and choose our Terms. They are generally written upon the Instant, and tho' I believe mine are by much the most guarded and moderate of any, I will not affirm that I have never been affected by the heat of Debate, nor felt the Influence ef other People's Passions upon my own.

The immediate Necessity of a new Arrangement is not to be disputed. I am ready to devote myself to this Service, with the utmost Exertion of my Abilities and to act with any Set of Men, who may have the Confidence of Government. In the choice of Measures to be pursued here, it is equally my Desire and Interest, that as little as possible should be left to my own Judgement, and that a determinate line of Conduct should be prescribed to me.

(Francis MSS. No. 36, pp. 229-31.)

No. 5*k*. *Francis to C. D'Oyly. Calcutta*, 17th May 1775.

. . . Our Dissensions are carried to a Length, not to be equalled by anything but a Polish Diet. General Clavering was lately obliged to call Barwell out to answer for some gross Expressions uttered by him at the Board . . . (duel and Barwell's apology). . . . You may judge what a State we are in when such an Occurrence could possibly happen at a Council Board. . . . The Decision at home, between the contending Parties here, must not only be very compleat and decisive, but very speedy. In the meantime the Public Service suffers in a thousand Shapes. . . . Mr. Ellis I persuade myself, will exert himself to support me. This is no time to be idle or lukewarm, if my Friends mean to continue me here. General Clavering has acted, as I firmly believe, on upright and honourable Principles, and I presume is honoured with the King's Confidence, and is acquainted with the Plan and Intentions of Government. It is highly necessary that some determinate Plan should be fixed on for the future Government of Bengal and that I should be told plainly what System and what Persons I am to support. Surely after all the Evidence sent home by us, there cannot be a Doubt about the recall of Hastings and Barwell. As for other Offenders, I am for passing an Act of Oblivion. . . .

(Francis MSS. No. 52.)

No. 5*l*. *Francis to Lord Clive. Calcutta*, 17th May 1775.

I believe, I have been fighting a very honourable Battle for the Public, tho' certainly not a wise or useful one for myself. Your Lordship knows this Country and some of these People too well, to doubt that six months would have been sufficient to establish my own Fortune, to almost any extent, if I had thought it advisable to engage in the same System, which

I found established here ; or if I would have assisted in drawing a Veil over everything that was past. I cannot think it possible that I should be recalled for acting upon Principles so little consistent with private Interest—If, however, you should find that my Ideas on this Subject are illfounded, and that I have a better opinion of my Superiors than they deserve, I persuade myself that the exertion of your Lordship's Influence will be powerful enough to save me from so unmerited a Disgrace. It would be fatal to me in every Sense. I leave my Cause in your Lordship's Hands, and very seriously recommend myself to your Protection. I think I have powerful Friends in all Parties, who for *me* singly, would be ready to exert themselves. D'Oyly if it be nccessary will assist in collecting and uniting their Interest. . . . The Country is unquestionably in a state of rapid Decline. Some vigorous Measures must be immediately taken to recover it, or believe me, the Revenues in a very few Years will be unequal to the Charge. Let us either have a determinate Plan laid down for us with clear and precise Instructions, or let us be trusted with unlimited Powers. With the Former we shall have nothing but our Obedience to answer for. With the latter, in the Hands of Men who will not sacrifice everything to the acquisition of Wealth, I have no doubt that a System of Government might be established, under which the Country would in time recover and flourish. In fact there is properly at present no Government in the Country.

. . . If you continue me in this Council, I flatter myself you will also favour me with your Advice. The Fatigue I go through is excessive. . . . Debates are now carried on with so much Asperity and personal Animosity, that I every Day am apprehensive of some fatal Consequence. . . . The Governor General is naturally passionate to excess. He entertains very high Ideas of his own Consequence and cannot brook Contradiction. The other two, you know, are not men to be browbeaten. I endeavour as much as possible to keep Things quiet at the Board and act the part of a Mediator, as far as preventing personal Quarrels. By this moderate Proceeding I gain little Credit with Hastings, as the line of my public Conduct is taken decidedly against him and he thinks that I compose the Minutes sent home jointly by us three. I refer you to D'Oyly for some Explanation on that Head. . . .

(Francis MSS. No. 52.)

No. 5*m*. *Francis to C. D'Oyly*. *Calcutta*, 2nd July 1775.

. . . I do not conceive that we Three, supported by nothing but Truth and Integrity are a Match for such a Combination as this whole Settlement, the Weight of Metal, the Power of Corruption in England, and the Phalanx of Westminster Hall, who, I presume will support the Judges in their Pretensions. . . . The public Business in a great Measure stands still—The Governor's Purpose is answered by letting Everything run into Confusion—General Clavering is unquestionably one of the most resolute Men I ever met with ; however, in these Times, and in this Place particularly, some other Qualities are necessary, to recover a Country going fast to ruin, besides Resolution. Yet the Principles on which he acts, are so praiseworthy and honourable, that I distrust myself, when I feel an Inclination to disapprove of any Part of his Conduct. Perhaps,

while I call it Policy to act a more moderate Part and to let things for some months quietly take their Course, I am only yielding to a secret involuntary Desire to withdraw myself from Plague and Misery. But from whatever Source my Opinion springs, I am really inclined to think that we are extending the Battle over a greater Field than we shall be able to maintain and this I am sure of that public Business suffers very much in the interim.

I will now open my whole Heart to you. I seriously do not think I shall have Spirits, Health or Resolution enough to continue above a Year longer in this Country, let what will be the event of our public Contests or supposing us to obtain the most complete Victory at Home. . . . Still, I foresee no Ease, no Comfort, no Happiness in Bengal. . . . I can truly say there does not exist on Earth a verier Wretch than myself. For God's Sake, encourage me to go home as soon as I have realised £15,000 in England.

. . . I feel and make every Allowance for my Lord North's Situation. This Country I assure you, tho' from very different Causes is in as hazardous a State as America. On this Side, however, little more is wanting than to support three Men, who against their own obvious Interest, have been fighting a weary Battle for their King, for their Country, and for the Company.

. . . I am sure you will not fail to give me every Light and Information in your Power and I trust you will add to it your advice about my Conduct. . . .

(Francis MSS. No. 52.)

No. 6.—The Projected Clavering-Barwell Marriage

Francis to Lord North. Calcutta, 24th Mar. 1775.

Private and Secret.

. . . It is settled that Mr. Barwell shall marry Miss Clavering. After all that this Gentleman has said and done,—after all that we have said of him,—after all the Censures of him to which General Clavering has signed his Name,—and branded as he is in this Country by the utter Ruin of a Province, by enormous Peculation of every Sort, and by a personal Depravity of Character of which he alone perhaps is an Example, I cannot but foresee the Ruin or Decline of that Cause, in which we have gone such Lengths :—When such a Man is honoured with an Alliance with General Clavering's Family—If this match were to produce no other Effect but to screen him from Punishment, it still would have an odious Appearance and disgrace us in the Eyes of the World, to prosecute Mr. Hastings with Rigour, while we suffer a much greater Criminal to escape in Triumph. This however, is but a small part of tho Mischief. The Natives of this unhappy Country had been so long accustomed to a change of Men without any change of Measures, that it was a considerable Time before they would place the least Confidence in our Declarations. At last, however, they began to believe that we never would unite with their Enomies. They began to confide in us, and were gradually recovering from the lowest State of Despondence and Dejection to some little Appearance of Spirit and Animation. Judge, my Lord, into what Despair they will sink again,

when they see a family Union between General Clavering and one of their cruellest Oppressors. After this positive Contradiction to all former Conduct and Professions, we have no reason to hope for any farther Credit with them. Nor will I, for my own part, attempt to gain it. Mr. Barwell has conducted this Business with infinite Art. He has kept back or suppressed a multitude of Complaints against him, either till he could publish the Match, which he knew would strike a universal Terror into the People, or till after the sailing of the last Ship. One positive Charge, however, was delivered into the Revenue Board on the 22nd inst., to the amount of Rupees, 125,500 and I beg leave to inclose a Copy of his own Observations upon it. This indeed is but a drop in the Ocean. The declaration of the Marriage will of course suppress the rest.

I presume it cannot be a question whether Mr. Hastings shall be recalled or not. Much less, in my opinion, ought the recall of Mr. Barwell to be matter of a moment's Hesitation. If however, his former and present Interest united should be sufficient to preserve him in the Council, I hope I shall stand acquitted in your Lordship's Opinion, and that I may still be honoured with your Patronage, if from that Time I should consider Nothing but the necessity of my own Affairs in continuing in Bengal until I can secure out of my Salary a very moderate Reward for my Labours. I never can be a useful Servant to my King and Country in the same Council in which Mr. Barwell shall be confirmed.

When I return I hope to be able to convince your Lordship, and thro' your Patronage to lay at my Sovereign's Feet some satisfactory Proofs that, altho' I do not profess a rigorous and exalted System of public Virtue, I have not swerved in any material Instance from the line of my Duty.

(Francis MSS. No. 36, pp. 211-16.)

Nos. 7.—Francis on the Internal Administration of Bengal

No. 7*a*. *Francis to Lord North. Calcutta,* 13th Jan. 1775.

Private.

I did not attempt to trouble your Lordship with a letter by the British King, because the public Dispatches would have informed you of everything that I could have communicated with any Degree of Certainty. Even at that Time, however, I saw enough to satisfy my own Judgement, that the Country, in the Government of which you were pleased to give me a Share, was already too far inclined to Ruin, for me to entertain a Hope of being able to recover it, with such inadequate Means and Powers as have been intrusted to us. Your Lordship well knows how unequal I always thought the Council would prove to the Services expected from them, even under the Supposition of their acting in the strictest Union. What then appeared highly improbable, in the present State of Things is plainly impossible. I will not enter into personal Details. Facts are too strong and glaring, and the farther Presumptions from what we certainly know, too obvious and direct to leave a Moment's Doubt in your Lordship's Mind upon the Subject.

The first Question, which, as I conceived, would be determined at Home by the Decision in our favour or against us, was *Bengal or not*

Bengal. On farther Insight into the internal State of this Country, the second Question that arises in my Mind goes much farther than the first. My present Doubt is whether it would be expedient and advisable for Government to accept of the Territorial Acquisitions, under all their Incumbrances even tho' the Company were ever so well inclined to make a Surrender of their Right to them. I mean only to establish the Necessity of the Question. It is not for me to suggest by whose Wisdom, or on what great Principles of Policy it ought to be decided.

Permit me to lay before your Lordship, with as much Brevity as possible, my Ideas of the actual State of this once flourishing Country. They are founded on such a degree of Knowledge in matters of Fact, as emboldens me to claim an immediate Credit with your Lordship for what I assert, tho' every Assertion be not attended with its proportionate Proof: or tho' the Argument arising from thence, be not yet regularly deduced and concluded.

The Subject itself is of immense Variety and Extent, and your Lordship will see plainly by the public Dispatches, that there can hardly be a Moment of my Life intirely free from other important and indispensable Avocations. Even this very Letter is begun in the Morning of this Day and must be closed before five o'clock in the Afternoon. In such circumstances, your Lordship, I am sure, will forgive any want of Form or Regularity. Indeed I must claim your Indulgence for Everything, but an inclination to mislead you.

[1. Attacks Rohilla War.

2. Attacks the late Administration's Policy with respect to the Moghul: denounces violation of the Treaty of 1765.

3. Policy with respect to the Raja of Benares.]

4. We have no certain Advices of the intentions of the Mahrattahs; but I may venture to assure your Lordship, that there is no probability of our returning soon to that state of Peace and Tranquillity which Mr. Hastings professes to expect.

5. The rapid decline of the Revenue is admitted on all Hands. You will find the Fact clearly stated in our present Addresses to the Court of Directors. . . . I will not enter into the odious Detail of Rapine and Extortion practised by Individuals. These alone, tho' earnest to an Excess incredible in Europe, could not in so short a Time, have produced such wonderful Ruin in a Country, naturally perhaps the richest in the World. I shall confine myself to some general causes of Decline. . . . The Principle, on which the Lands were let by the Committee of Circuit (without accusing them of acting on Motives of personal Interest) laid the Foundation of Ruin to the Country. The Changes in the Mode of collecting the Revenues, and which have ended in a System perhaps the very worst that could be adopted, have, in my Opinion, completed that Ruin. Let me assure your Lordship once for all, that, notwithstanding all the Inquiries made by Parliament, very little, if any part of the true State of Things here was discovered, at least when I left England. The Plan of letting tho Lands by Auction might seem plausible upon paper. If you would have a true Notion of the Fact, I must intreat you to weigh in your Mind what would be the probable Consequence in England, if all the Lands were at once set up to sale by an Act of arbitrary Power, without any Regard to the Rights of Freeholders, Copyholders and Lords of the

Manors : in short, if the Monied Interest, or, what is much worse,—if a Number of Men, pretending to have Money, but who only support themselves by the Arts of fictitious Circulation in the Capital, were at once to be put in possession of the Lands : and this, not by fair Purchase or unquestionable Security, for the quit rent to Government, but by Influence over Individuals in Office, and the acceptance of Securities, either intircly collusive, or no way equal to the Rents, which they undertake to secure.

I will endeavour to explain to your Lordship the Fact and the Consequences as I find them operating in Bengal. Let me observe only, in the first place, that, notwithstanding the arbitrary form of the old Government, the Natives of Bengal had, in fact, certain customary Rights in the possession of their Lands, which the former conquerers of their Country had hitherto been too wise and too just to violate. Whatever we may say of the free form and Principles of the English Government, the Fact is that, as it has been introduced here, it constitutes a System of Slavery never known or felt in this Country before.

There could not be a grosser Mistake in this or any Government, than to adopt Measures, which in view to an increase of the Revenue, tended to dispossess the Zemindars and Talookdars of the immediate Possession and Cultivation of the Lands. These Men, besides their natural Right, had a permanent Interest in the Improvement of the Estate, and understood their Business. They should therefore have been continued in the Farms. The Pretences on which they have been dispossessed, have, in my opinion, little or no Weight against fundamental Principles.

. . . In all the late Settlements the professed Object has been to let the Lands to *Responsible* People without regard to any other Qualification. This Principle of itself . . . must inevitably operate to the immediate ruin of the Country, and of course to the eventual Ruin of the Revenue. The Fact, however,—too plainly verified by the increasing Decline of the Revenue since the Leases were granted, makes it sufficiently apparent, that the Lands were not assigned to responsible Persons. They have been almost universally granted to Calcutta Banyans or to Europeans holding under the name of Banyans. . . .

In this state of the Leases, almost every Farm has now three Persons to support, instead of one, viz, the Zemindar or Talookdar, who must have a Pension in lieu of his manorial Rights—The new Farmer must squeeze the Ryott in order to reimburse himself for the Fine he probably paid at his Admission, and to secure his expected Profit—The Agent at last, or under farmer, who is an Alien on the Farm and who has only a temporary Interest in the Improvement of it, strains the last drop of Blood from the wretched Peasant, and does it hastily for fear that Time or Accident should produce some Change to his Disadvantage. . . .

. . . If what I have said deserves any Credit, the misery of the Peasant, the Depopulation of the Country and the rapid Decline of the Revenue is sufficiently accounted for.

6. Reviews history of mode of collecting the Revenues. . . . "The Principle of Lord Clive's Plan, as I understand it, was to leave the conduct of the Collections in the Hands of the Natives, whether Gentoos or Mussulmen."—Denounces experiments made by the Company's Servants, in particular Hastings' System of 1772 and the Institution of the Provincial Councils. . . . "If you mean to keep Bengal, whether for the Nation or

the Company, you must not suffer a single European to be concerned in the Collection or Management of the Revenues." . . .

7. Coinage.

8. Trade.

. . . " Supposing the King's Servant to consider every Circumstance, and to form the best Plan imaginable for the Future ; still you will want such suporior Men, in point of general Knowledge, particular Knowledge of the present State of Things, practice in Business and incorruptable Integrity to carry it into Execution, as I fear will not easily be found. To choose ill, or to delay the Choice, will equally constitute the irrecoverable Ruin of Bengal."

(Francis MSS. No. 36, pp. 113-30.)

No. 7*b*. *Francis to Lord North. Calcutta*, 24th Feb. 1775.

1. The brigade with the Vizier of Oudh.

2. The death of the Vizier and negotiations for a new treaty.

3. The Moghul. " The first of these Objects, in my opinion, is to obtain from Shah Allum, a formal Surrender of these Provinces to his Majesty, to be held hereafter in full Sovereignty, and pleno Jure. Till such Sovereignty be assumed and declared, in some Shape or Other, by his Majesty, I should be guilty of a Breach of every Duty, if I did not tell your Lordship plainly, that there cannot in the Nature of Things be any regular Government in this Country :—For the present we must endeavour to keep things quiet, by Caution and Prudence in the Practice, having no simple Principle, nor indeed any rational uniform System of internal Policy to direct us."

4. Attack on system of letting the lands in farm (see letter of 13th Jan. 1775).

5. Mode of collecting Revenues.

6. Coinage.

7. The Company's Investment.

8. Trade of Bengal.

9. Oudh. " The late Government, by some Means or other, seem to have been inslaved to Suja Dowla. In proof of this Assertion, I beg Leave to refer your Lordship to Col. Champion's Narrative . . . of the last Campaign. You will find it a Performance (both for Matter and Manner) of the most curious and interesting Nature. In justice to all Parties, I must earnestly solicit your Lordship to use your Interest that the above Narrative, together with the Documents annexed and the Letter of the Vizier to which it is an Answer may be published. I would for myself make the same Request, with respect to every Paper on public Business to which I have set my Name since my Arrival in this Country. General Clavering and Colonel Monson are, as strongly as I am, in the same Disposition. Far from shrinking from an Inquiry into our Conduct, we challenge and demand it. Provided it be public, it cannot be too severe."

10. On the obscure Mode of keeping accounts.

11. Attacks System of Justice. " The Administration of Justice thro' the Country is upon so loose and indeterminate a Footing, and the Means

of obtaining Justice so tedious and difficult, that I may venture to affirm, that the People would be no Sufferers, by a total Abolition of all the Courts and Forms of Judicature, considering them as they actually exist. This Observation does not relate to Calcutta or any of the Subordinates to which the Judicature of the Supreme Court of Judicature may extend. Mr. Hastings's Duannee Courts are in fact no more than arbitrary Courts of Exchequer, in which one of the Parties is Judge. The Supreme Court, I presume, will not suffer such a Jurisdiction to be exercised in Calcutta, tho' hitherto there has been no formal Decision upon the Subject."

12. On Weights and Measures.

13. Submits, " Measures to be immediately adopted and pursued for the Recovery of this declining Empire and for making it a useful as well as honourable Addition to his Majesty's Dominions, in whatever Manner, or by whatever Title, my Royal Master may think fit to assert and exercise his Sovereignty over it. My first View, I confess, of the actual Government of the Country, filled me with Despair. We found ourselves surrounded with Darkness and Confusion, and no Guides to conduct us, but such as had an evident Interest in leading us astray. By proceeding cautiously, we have at last found the Road, and see Light at a Distance. Our Presence of itself, has been of some service to the Country. We have in fact checked the Progress of some Abuses, tho' hitherto unable to correct the Principles from which they flow. In some Instances we flatter ourselves that we have done positive Good, at least we have for the Present put a stop to some positive Evil."—Reviews work accomplished. . . . " Considering that the Chief Executive Magistrate and one of the Council oppose us at every Step, with that teasing Obstinacy, which generally accompanies want of Principle and want of Argument, your Lordship may conceive with what extraordinary Labour and personal Vexation, every Act of the preceding Operations must have been effected. In spite of these Difficulties something has been done. To clear away the Ruins of the old Building is a necessary step towards erecting a new one. At the same Time I must honestly acknowledge to your Lordship, that whatever we have done or whatever we may do, in our present Circumstances, will avail nothing, without an instant and vigorous Assistance from Home.

14. The first Thing to be done is to declare the King's Sovereignty over the Provinces. This I mention as a fundamental Condition *sine quâ non*. Without it, there can properly be no Government in this Country. The People at present have either two Sovereigns or None. We coin Money in the name of Shah Allum. We collect and appropriate the revenue by Virtue of his Grant, and if there be any such Thing as Justice in the Country it must be administered in his Name or that of his Representative the Subah of Bengal. It has been the Policy of Mr. Hastings to abolish the Sovereignty of the Mogul in fact, and to deny it in Argument, without however, attempting to substitute any other except his own. By this irregular way of acting, he has involved himself and us in a Labyrinth of Contradictions and Absurdities both of Fact and Argument, from which Nothing can extricate our Government but an immediate Declaration of his Majesty's Sovereignty over the Kingdoms of Bengal, Bahar and Orissa. This single Operation will clear the Way and relieve us from a multitude of Difficulties.

15. The Jurisdiction of the Supreme Court of Judicature should be

made to extend over all the Inhabitants, who will then know no other Sovereign but the King of Great Britain. I conceive that this may be done without touching the country Courts or departing from the Laws and Customs of the People.

The Bengal and Persian Eras must be set aside, and the Christian Eras established by an Act of Power.

The English Language must alone be used in all accounts with the Government: as Conquerors we have a right to impose any Condition on the People which may be essentially necessary to the preservation of the Conquest. But it is unnecessary for us to impose it by Authority. The People are sensible of the great Advantage of learning English, and are universally desirous of possessing it. It is highly to the Interest of Government, in every Sense, that this Desire should be encouraged and assisted.

16. The Land should be granted to the Zemindars, Talookdars, or even to the Ryotts, in many cases, either in perpetuity or for Life with fixed Rents and fixed Fines upon the renewal of Leases.

The collection of the Revenues should be in the Hands of the Natives, or, at all Events, kept distinct from the Administration of Justice. In short, we should assume the supreme Government of the Country, demand a fixed Tribute, and secure our Possession by maintaining a sufficient Army and stationing it to the greatest Advantage for the purposes of internal Tranquillity and foreign Defence. In every other Respect, the People should be left as much as possible to their own Laws, Customs and Religion.

His Majesty's Government being once established on this or a similar Footing, our colonising here would then be as unnecessary with respect to the Security of our Conquest, as it would be dangerous if not fatal to the Mother Country.

Whether or no it be advisable for Great Britain to depart so widely from the fundamental Principles of her Constitution, as to aim at the possession of a great foreign Dominion, not essential to her Commerce, nor to be held by colonisation is a Question which ought to have been considered some Years ago. The Proposition I adhere to is, that whether the Sovereignty be directly assumed by His Majesty or yielded to Him by the Mogul, the Possession of Bengal can only be maintained by a System of Government under which the Natives shall be considered as a conquered People, and which shall have, for its first Object the Security of a Conquest.

(Francis MSS. No. 36, pp. 133-85.)

No. 7c. *Francis to Lord Clive. Calcutta*, 21st May 1775.

In my Letters to Lord North I have endeavoured to give him a fair state of the Country, independent of all Parties and Persons, with my general Ideas of the Measures, which ought to be immediately taken if it be meant to keep Bengal: or at least of the great simple Principles on which alone the dependence of this Empire can, as I conceive, be secured with Advantage to Great Britain. Eastern Empires are not to be governed by intricate or refined Systems of Law or Policy; much less can the Detail of Government be conducted by Europeans. Experience proves the Wisdom of that System which was adopted by your Lordship in the

year 1766. Every successive Instance of Alteration or Departure from it, has only contributed to throw the Country into Confusion. Among these, the Company's standing forth as Diwan will, I believe, appear to have been an ill-judged Measure, nor am I quite certain that the Interest of the Company or the Country was the real Object of it. If the native Officers were guilty of Embezzlements, it was more easy to punish them than Europeans. At all Events the Produce of their Frauds and Extortions remained and was spent in the Country. From the extraordinary decline of the Revenue, since we took the direct Management of it into our own Hands, it seems probable that white Collectors are not much honester than black ones, and that the Natives alone know how to deal with one another. I foresee, that sooner or later we must revert to the first Plan of committing the collection of the Revenues to the care of one or more Diwans whose conduct may be narrowly watched and whom we may punish without Mercy. The Difficulty will be to find Men qualified for such Offices. The Country is so deplorably reduced, that I assure you we have little Choice left of Persons of Character and Abilities, to fill any important Station under Government.

The Form of the Country Government with some Degree of Authority, must be restored. This may be done consistently with His Majesty's Sovereignty, if it should be thought advisable to declare it. The Nabob may then hold by grant from the King, as he is now supposed to do from the Mogul. In the present State of Things there is properly no Sovereign, nor of course can there be any regular Government in the Country. The Introduction of the Supreme Court of Judicature, without any precise Limits being fixed to their Jurisdiction, or any express Declaration of the Sovereignty under which they pretend to administer Justice, has only added to the general Confusion. They should have no original Jurisdiction over any but British Subjects. Whether in great causes of Property, an appeal may not lie to them from the County Courts, may deserve Consideration.

Whatever the strict Powers of the Court may be, according to their Charter, I am inclined to think, that the present Judges have been very rash and intemperate in the Use of them.

I condemn the removal of the Khalsa from Muxadavad. The late Administration could have had no Object, but the bringing the whole Conduct of the Revenue, or rather the Revenue itself, within their Grasp. The Overflow of Inhabitants at Calcutta drains and impoverishes the Provinces, at the same time that it makes the Expense of living in the Capital enormous and unsupportable. In all these Particulars, I have the Pleasure of thinking that the Opinions of General Clavering and Colonel Monson agree with mine. They were even disposed to have acted in Conformity to them, at least to have lain the Foundation of a great Reformation hereafter, if we found ourselves supported from Home. After a serious Review of our Situation, I obtained Authority from them to enter into a secret Negotiation with Mahomed Reza Cawn, and had lately two Conferences with him so privately conducted, that, I believe, neither the Governor nor Nuncomar, who are supposed to have the best Intelligence, have any Suspicion of the Matter. Mahomed Reza is almost the only Man of any Credit or Consequence left in the Country. My good Opinion of him was very much confirmed by his declining the

Offers I made him. They were such, as hardly any other black Man would have refused. His Objection went in general to the Inutility or Danger of any System, that was to join Natives and Europeans in the Management of the Collections. Yet he confessed that in our Situation, and with the Executive Magistrate against us, a total Change in the mede of Collecting would be too hazardous a Measure to ourselves, and, considering the Arts and Influence that might be exerted against us, would be liable to fail of Success.—That as to himself, he should be disgraced, and rendered incapable of serving us hereafter. I acquiesced in reasons, which I could not answer, and contented myself with keeping open a Channel of Communication with him, to be used as Occasion may require. The Supreme Council is too heavily loaded with the Detail of Business. There must be subordinate Boards, particularly for the Revenue and to examine public Accounts.

Your Lordship now sees the general Turn and Object of my Views for a future Settlement of the Country. I wish you would assist People in Power at Home, in simplifying their Ideas on this Subject. In the first Instance at least, great Power, particularly over Europeans, must be trusted to the Governor and Council. The Country is ruined by them and their Servants. I will not suppose the Possibility of Hastings and Barwell being left here. In that Case every Idea of Reformation would be ridiculous, and I would not for my own Part, throw away another Thought upon the Subject.

I write to your Lordship as to a Man who has the Welfare of Bengal at Heart, and a considerable Stake depending upon its Prosperity. I am sure you will give the best Advice to the King's Servants, if they are wise enough to ask it ; and I am no less persuaded that if any Question should arise at Home, in which my personal Honour or Interest should be concerned, you will take a friendly Part in it for me.

. . . If it should be decided to continue Mr. Hastings in the Government, General Clavering and Colonel Monson will assuredly resign. As for myself, tho' heartily in the same honourable Cause, I am not so romantic as to throw up my own Fortune for the sake of a Quarrel, in which after all, I have no personal Concern whatsoever. In my Conduct hitherto, I think it must appear evidently, that whether I have pursued the public Interest or not, I have not consulted my own. The future Line of my Conduct must be drawn by those to whose Judgement or Authority I am bound to submit.

(Francis MSS. No. 36, pp. 237-43.)

No. 7*d*. *Francis to Lord North. Calcutta,* 21st Nov. 1775.

Our public Representations of the State of this Government and of the multiplied Difficulties we are obliged to contend with, are so full and particular, that I could have nothing to add to them, unless I were to enter into a Detail of the real Characters, Views and Principles of our Opponents. But besides that this is an odious Office, for which I am no way qualified, and for which I feel no sort of Disposition, the Field is too wide and would carry me too far into personal Reflections, which perhaps I should find it difficult to support. The same Actions will undoubtedly bear very different Colours ;—I suspect the Truth, but I will not hazard

my Credit with your Lordship, by advancing Assertions without Proof, and which may be attributed to Interest or Passion.

When I came into this Country, it was my Determination to carry the Act of Parliament into Execution in all its Parts :—I adhered to this Plan, and continued to support the Establishment of the Supreme Court of Judicature, even after I saw Reason to condemn the Proceedings of the Judges, and to suspect their Motives. It was with extreme Reluctance that I joined in the first Representations against them, nor did I take a decided Part, as long as there was a Hope that the Powers of the Supreme Court of Judicature would be applied to the real Purposes of its Institution. One of the great Points, on which I think, the Judges went far out of their Way to oppose and distress our Government, was their public Denial of the Soubah's Sovereignty and of the Existence of a Country Government. The Terms, in which they expressed their Contempt of the Soubah's Person and Office were, in my Opinion, highly indecent and unworthy the Dignity and Gravity of their Station. One of them calls him a *Phantom*, a *Man of Straw* : and this was the general Turn of their Opinions delivered *seriatim*.

The Substance and probable Effect of such a Doctrine, supported by such Authority, deserves a very serious Consideration. Until His Majesty's Sovereignty over Bengal shall be declared, and a regular System of Measures established in consequence of that Declaration, the total Annihilation of the Soubah's Rights, in Form as well as Fact, is obviously so dangerous a Measure, that Nothing but a Determination to support Mr. Hastings's Principles and Practice at all Events, could, in my Opinion, have induced any reasonable Man to adopt it. We had already represented the Consequences of it, in an Address to the Court of Directors, before we received the general Letter of the 3rd March.

Among the Instructions contained in this Letter, we had the pleasure to find that our Opinions, respecting the Country Government, coincided exactly with theirs ; that they were supported by the same Arguments, and expressed in almost the same Terms. In fact, the System of maintaining a Country Government was the original Policy of the Company from the first Acquisition of their Influence in Bengal ; Nor can I comprehend how they could govern the Country without it.

The Receipt of the above Instructions enabled us to act, in a material Instance, upon our own Principles, and to re-establish in some Degree, the Appearance and Operation of the Soubah's Authority. The inclosed Minute will explain to your Lordship our Views, in the Use we have made of the Powers given us, to bring Mahomed Reza Cawn again into Employment. The Merits of the Measure are submitted to your Lordship, and I hope will entitle it to your Approbation. A principal Part of the Mischief, done by the late Administration, has arisen from their rashly departing from original Principles, and from their overturning Establishments when they should have been contented with correcting Abuses. To recover the Country, we ought to revert, as far as possible, to its ancient political System. This is not an easy Task ; but the present Course leads manifestly to Destruction. . . .

I hope, My Lord, it will not be thought a Question of little moment at home whether the Judges have invaded our Province, and assumed, or interfered in the Exercise of Powers which were meant to be vested

exclusively in the Governor and Council. A Question, touching the Soubah's Rights or the internal Government of the Country, must be purely of a political Nature. They were not compelled by the Case before them, to deliver any Opinion concerning it. Officially they were not competent Judges of it. . . . Their interfering in any Shape in the Management of the Collections, besides opening to the Farmers a Field of Litigation and Delay, during which the Object is lost, appears to me an Invasion of the lawful Powers of this Council, and an arbitrary Extension of their Jurisdiction. But the Doctrines they have laid down would make it impossible to collect the Revenues, in whatever Hands the Management of them might be placed. . . . These Disputes with the Judges, in which the Governor-General takes a diligent and decided Part against us, form a heavy Addition to our other Labours. In such Circumstances, you cannot wonder at our waiting with Impatience for a Decision from Home. On my Part, I can most truly assure your Lordship, that an Anxiety to continue in my present Station has no share in these Considerations. A year's Experience of the Toil I must undergo and of the pernicious Qualities of this Climate, convinces me that my Health and Constitution must sink under them. I shall not spare myself, however, nor desert the Duties of my Station, as long as it is possible for me to be of any Service.

The Leases of a Part of the Country, I believe all Burdwan, fall in about April next. The Committee's Settlement ends in April 1777, and by that Time I very much fear the Country will be reduced too low to support any vigorous Operation, such as reverting to the old System, and restoring the Lands to the Zemindars. The Court of Directors have approved of the Mode of letting the Lands adopted by the Committee, and I think we are restrained by our Instructions from pursuing any other. Supposing us, however, free from all Restraint in the Choice of our Measures, there are other Difficulties in the Way of a new Settlement, which, in the present State of the Country, I doubt whether any human Prudence or Ability will be sufficient to surmount. Be assured, my Lord, it is a vain Imagination to suppose that such an Acquisition as Bengal can be long kept and governed without the Intervention of the Natives. Moormen should be employed in the Offices of Government :—The Gentoos in the Cultivation of the Lands, which are their Property :—the Zemindars should be answerable for the internal Peace and good Order of their respective Districts :—The English Power should stand Paramount, and hold the Sword over the rest ;—watching the Administration of Men in Office ;—contented with a gross Tribute, and guarding the Country from being ruined in Detail by Europeans. This simple System, so natural to the Genius of the People, seems best calculated to resist an external Force, and has no radical Defect within itself. The Difficulties of establishing such a System, considering all Circumstances, are undoubtedly very great ; —perhaps not to be intirely surmounted ;—but it may be useful to keep the Model in View, and approach to it as near as we are able. The first great Difficulty is that the Country is in every Sense deplorably reduced. There are no Moormen of Consequence left. There are no Men of Property, but the Banians and Armenians,—who are the Brokers and Jews of Bengal—The Zemindars, from the Moment they were converted into Pensioners, have gradually sunk into a state of Sloth, Stupidity, Beggary

and Contempt. Being almost universally overwhelmed with Debts, and few of them having any Knowledge of their Affairs, they of course have lost all Dignity and Consequence in the Eyes of the People. I am assured, and inclined to believe that the greatest Part of the younger Generation are likely to be Idiots. Servants and Guardians in this Country have no Mercy on their Pupils. At all Events, the profound Ignorance in which they are brought up, will be attended with as many bad Effects as positive Folly. Here lies the great Objection to trusting the Zemindars with the Management of their Lands. Yet the Choice lies only between this and the farming System. We ought to have a Determination from Home, or one Man ought to be trusted with unlimited Power to give the Country a Constitution. If you have no such Man, or if the Genius of the English Government will not admit of such a Trust, let us not aim at Impossibilities. For my own Part, I think the Trust would be hazardous to none but the Person in whom it was reposed.

You will be alarmed at the Decline of the Revenue. But, my Lord, without puzzling ourselves with the hard Words of a Bengal Dictionary, let us consult the plain Dictates of Common Sense. Is it in the Nature of Things, that a Country, from which there is a constant Extraction of Specie and Manufactures without any proportionate Return can long pay a rack rent to Government ? The nominal Rent-Roll may be kept up, but where will be the Specie to realise the Revenue ? Security of Property and a Freedom of Trade are the obvious Remedies for this Evil. If ever there is to be a division of Rights between Government and the Company, I would wish it to be seriously considered, whether it would not be a beneficial Measure, both for the Country and the Company, to give the latter a fixed Sum out of the Revenues ; and then let them go to Market for their Investment, without any Authority as a governing Power, or any other Influence over the Market, but that, which the superior Weight of their Purse would naturally give them.

With respect to their Servants, I have nothing to say but that, if Europeans are to trade upon any better Footing than the Natives or other Merchants, it is impossible that the Country can recover.

These, my Lord, are the great and simple Principles, upon which alone, as I conceive, a Dominion, situated as this, can be preserved with Advantage to Great Britain. Supposing it to be so reduced and impoverished as not to be able to support its own Expenses, or even, if it did not make a considerable Return to England, I then presume that the Possession of it must be a Burthen to the State, tho' it might for many Years be a Source of Wealth to Individuals.

After the internal Settlement of the Provinces, our next great Object, in my Judgement, should be, to lay the Foundation of a general Peace through Indostan, and to give or restore an active Constitution to the Empire.

Bengal cannot flourish while the neighbouring States are perpetually in Arms against each other. The Authority of the Emperor should be in a considerable Degree restored, and Means given him to support it.

The Rights of every Subordinate Power should be determined once for all. A general Pacification should be established, and every Prince in Indostan invited to accede to it. The predominant Power of the English should be employed to cut thro' Difficulties and to guaranty the observance of the Treaty.

In my Opinion, there is nothing visionary in this Plan. The Peace of the German Empire and of a considerable Part of Europe was settled by the Treaty of Westphalia, where the contracting Parties were much more numerous, and their Interests much more intricate and complicated. The low Condition, to which the Powers of Indostan, especially those to the North-West of Bengal, are in general reduced by their intestine Wars, will give an Influence to our Interposition not likely to be resisted. This Government has a particular Interest in promoting the Success of a general Pacification. It would afford us the means of making some Compensation to the Emperor for the loss of his Country and his Tribute. In spite of all the nice Distinctions adopted in defence of Mr. Hastings's Treaties with Sujah Dowlah, it appears to me that they were a manifest Violation of the public Faith pledged to the King, and that they are a Dishonour to the British Name.

If there be anything in these Ideas, which may appear to deserve your Lordship's Consideration, I hope the Substance of them will be weighed without regard to the Expression. I am not writing in the retirement of a Closet, but in the heat of an active laborious Employment, from which I have no Relaxation.

(Francis MSS. No. 36, pp. 433-48.)

No. 7*e*. *Francis to H. Strachey. Calcutta*, 23rd Nov. 1775.

. . . It has been my Constant Object to reinstate Mahomed Reza Cawn in his former Office and Authority, or at least to restore him to as much of it, as could be done, without taking upon ourselves the Hazard of intirely overthrowing the present established System of collecting the Revenues. I saw the Impossibility of governing this Country without the Assistance and Ministry of the Natives, and that the Plan, adopted and pursued here for some Years past, by which it was meant to draw every principal Branch of Administration immediately into the Hands of Europeans was defective in its Principle, and contrary to the Nature of Things. The taking the Collections out of the management of the Natives was an Act of the Company themselves who thought it advisable to stand forth as Diwan. I believe it will be found an injudicious and ruinous Measure to the Country, and that the Abuses, which it professed to correct, had increased rapidly. Even if this were not the Case and supposing everything else equal, it makes a wide Difference to Bengal, whether Embezzlements are committed by Natives, who keep the Produce of their Roguery in the Country, or by Europeans who carry it away.

Individuals, undoubtedly, would not have the same Opportunity of making Fortunes, but the Interest of the Company, I am sure, is best consulted by promoting the permanent Prosperity of Bengal. What exact number of Years, this or any other Country can support a constant Extraction of Manufactures and Specie without a Return may be a Subject of Calculation. That such a System cannot last long, is, I presume beyond a Question. It is the Influx of Supplies from Oude that support our Circulation at present. The Acquisition of the Revenues of Ghazipore, by *our* late Treaty, will be a great Relief and protract the evil Hour. But come it will, unless other Measures are taken.

The Mistake of putting the Collections into the Hands of Europeans is

now I fear without Remedy. The Reduction of the Country Government to its present State of Insignificance and Contempt was the deliberate Act of the late Administration, without any Authority from Home, and indeed contrary to express Orders. You will find that the Judges have zealously concurred in Mr. Hastings' political System, and have travelled considerably out of their Way to destroy the little right of Sovereignty still allowed to be vested in the Nabob. General Clavering, Colonel Monson and I made all the Resistance we could to the violent and indecent Proceedings of the Judges. But it is a hard Matter for a mere Majority of such a Council as ours, to resist the Union of a Supreme Court of Judicature supported both publicly and privately by the Governor-General and one of the Council. In these unfavourable Circumstances the general Letter of the 3rd March last comes luckily to our assistance. In that Letter the Support of the Country Government is clearly and positively enjoined us, upon our own political Principles, and almost in our own Language.

The Acquittal of Mahomed Reza Cawn being confirmed by the Court of Directors and Authority given us to bring him again into Employment, I thought it a favourable Opportunity to revert, in one Instance at least, to the old System; we have made a Beginning. If the Company are disposed to return to their former Wisdom, we have taken a material Step towards restoring Things to their ancient and natural Channel. Since they have been forced out of it, I affirm that there has been no Government nor common Administration of Justice in the Country. A more ill-concerted, pernicious Measure, I am convinced, could not have been devised than that, by which Mr. Hastings got a considerable Part of the Credit in England. I mean the Abolition of the ancient Jurisdictions of the Country and the Establishment of his new Courts of Judicature. What I have said is sufficient to introduce the inclosed Paper and make it intelligible. The Measure is intirely mine. I believe it is not liable to Objection. If Mahomed Reza Cawn does what we expect from him, and what we have given him Power to do, no Price can be too great for his Services. In my Opinion the Measure is the Salvation of the Country.

[Sends copies to Lord North and asks Strachey to decide with D'Oyly as to whom it should be shewn; "for my Advantage and for the Support of the Measure, I should not be sorry if it were shown to Edmund Burke, provided it would be done privately and without Inconvenience. Of all this I leave you and D'Oyly the Judges."]

It is some Comfort to us to see that the Rohilla War was severely condemned at Home, before our first Dispatches were received. . . . By Degrees we hope to convince them how much they have been imposed on by all the Representations from the late Government.

. . . A proper Arrangement for the future Government of this Country is enough to occupy the ablest Head in England.

[Sends him a copy of a state of the collections of the Diwani Lands for the past three years and adds, "Be cautious what Use you make of this Paper".]

Exclusive of the great Interest I have in the Question, I am really curious to see the Issue of our Disputes and what Arrangements will be made for the future Government of the Country. Sir E. Impey is omnipotent. I beg of you to give me the earliest Intelligence you can of the

Intentions of Government wherever I am likely to be affected by them ; in what degree of Estimation my Colleagues really stand with the Ministry and the Company, and what line of Conduct you and my other Friends would advise me to pursue—whether the Part I have hitherto taken with General Clavering and Colonel Monson be judicious or not, or whatever other Objections it may be liable to, it is self evident I think that personal Interest could not be my Motive. To me personally it must be a matter of Indifference who is Governor or who is Commander-in-Chief. To my Friends and to no Others (for nobody else will believe me) I declare most solemnly that my Opposition to Hastings has arisen solely from Principles of Honour and Duty. I could not be here a Month without seeing plainly that everything was rotten. The Government is far beyond my Reach. Whoever it devolves to will find it such a Burden as will strain his Nerves till they crack. Remember what I tell you, it is not an Undertaking which any common Man is equal to. Besides the superior Degree of intellect and Resolution, he must be trusted with Powers equal to the Occasion, and then probably he will be afraid to make use of them. I fancy myself on Board a great leaky Vessel, driving hard towards a Lee Shore and Shipwreck not to be avoided, but by a Miracle. . . .

Supposing Hastings and Barwell recalled, we shall only be cleared of a Part of our Difficulties ; and let the Victory be ever so complete, who will answer for the future Union of the Triumvirate ? This is a delicate Subject and I must leave it to your Reflections. . . .

By this Ship I trouble my Lord North with a long Letter, stating my Ideas of the general Principles which we ought to keep in view in the future Settlement of this Country. There can be no Settlement without a considerable Reduction of the Rent Roll, and even in that Case, I know not in whose Hands the Lands can be safely trusted. My Principles and Inclinations lead me to revert to the Zemindars ; but by this Time the greatest Part of them are Beggars and in Debt. In our Circumstances and with a Country so reduced as this, it is impossible to adopt any Measures free from Objection. We come the Day after the Feast, and must cook a Dinner out of the Scraps. I wish you could find out and let me know how my Letters are received by my Lord North, as I do not expect that he or any of his People should write to me. . . .

Observe that we have no doubt of the Recall of the Governor and Barwell. Perhaps we reckon ill. It is some Comfort to us to find that Mr. Hastings has been condemned in some capital Instances of Doctrine and Practice. The Rohilla War, the Annihilation of the Country Government, the Bank, the Favour shown to Colonel Macleane and all Employment of the Troops beyond the Line of the original Guarantee, are all reprobated in the severest Terms. We have laid him naked before them ; and surely there never was a Being, who had so much Shame to cover as he has.

(Francis MSS. No. 49.)

No. 8.—Extracts from Directors' Despatch of 3rd Mar. 1775

§ 39. *Mahomed Reza Cawn.*—We have examined the consultations of our President and Council with regard to Mahomed Reza Cawn and we embrace the present opportunity of testifying our approbation of their conduct during the whole of that enquiry. . . .

§ 46. The conduct of Nuncomar, in the part he has taken against Mahomed Reza Cawn appears to us so very inconsistent and unworthy, that we feel a repugnance to the continuance of his son in the high office of Roy Royan of the Province and as the acquittal of Mahomed Reza Cawn warrants us again to employ him, we direct that if he can with propriety accept of that office, under the regulations and restrictions established by our President and Council, and with the salary granted to Raja Goordass for executing the same, he be forthwith appointed thereto, and receive a proper Khellaut, and such other marks of distinction as are usually conferred on natives on like occasions. *We mean not by this appointment to restore Mahomed Reza Cawn to any improper degree of power, but merely to testify our satisfaction, on finding his former conduct has been so much better than we expected.*

§ 47. And in regard to Raja Goordass though we cannot consent to his remaining Roy Royan of the Province, yet in consideration of the favourable character we have received of him, we have no objection to his being appointed to any office of less importance if you shall be of opinion, that his behaviour has entitled him to such a mark of our indulgence.

§ 49. *Rohilla War.*—We are acquainted by Dispatches of the 14th and 19th of May with the defeat and death of Hazif Rhamut Khan and the probability of his country being speedily subdued by Sujah-Dowlah; and notwithstanding the pecuniary advantages which the Company have gained by the event, we are exceedingly concerned to find that our arms have been employed in the conquest of the Rohillas, tho' we must confess the conduct of their chiefs, in refusing to fulfil their solemn stipulations with the Vizier, seems to have drawn upon them the calamities they have suffered.

§ 51. In a political view we fear the late engagements with Sujah-Dowlah are not altogether unexceptionable. However as they have been carried into execution we can only enjoin you to take especial care, that the additional power acquired by the Vizier be prevented from operating to the detriment of the Company.—We trust he is now enabled to repel the Mahrattas in that quarter, should they repeat their incursions, which petty states have not been able to do. His country must therefore be considered as a barrier to our own possessions and the ideas of our having rendered him respectable, and our friendship being absolutely necessary to his future security, can never be too much inculcated.

(Bengal Despatches, vol. 7, p. 373.)

Nos. 9.—On the Majority's Manœuvres to gain Muhammad Riza Khan and incriminate Hastings

No. 9*a*. *G. Vansittart to F. Stuart.* 23rd Feb. 1775.

Reports begin to prevail that M.R.C. is gone over to the new folks. Even Barwell mentioned them to me, Mr. Hastings does not like such reports. I do so wish they were much stronger. . . . A few days ago Roopnarayn was sent for by Goring and scolded for not having produced any charges against you. He then gave an account of 201,200 Rps. received by you, 1200 received by Mr. Graham and 80,000 by Bovanny Metoe. He was carried with it to the General's. The General threw it

down in anger and scolded Roopnarayn for its being so much less than was promised, but he took it up again and pocketed it, and I suppose it will form a part of the Majority's letter to the Court of Directors by these ships. Roopnarayn also told Goring that many other things would have appeared but that Birge Kishnur had separated the accounts and made away with some of them. This intelligence is from Cantoo, Sudder-ul-Deen and Gunga Govind. Bussut Roy and my Dinagepoor friend, Ram Churder are among the attendants of Nundcomar and Goring but give intelligence of what passes to Sudder-ul-Deen. Nundcomar I hear has received 25,000 Rps. from the Ranny through Punjaub Roy. It was said that a coolness had arisen between him and Roopnarayn, but it wants confirmation. Ram Cunt and others of the Ranny's favourites are, I believe, dissatisfied with Roopnarayn and so, I suppose, there will be a quarrel between the Ranny and him e'er long. . . .

. . . Moohunpersaud, I am told, has commenced a prosecution against Nundcomar. Juggubchund is arrived from Moorshedabad and Nundcomar is a little frightened.

Reports prevail a good deal that Bovanny Metoe and Gunga Govind are to be turned out of their employments, but nothing has yet been publicly said about them.

Do not neglect to communicate to Palk the papers which Mr. Hastings has sent to you and Macleane. I do not suppose he will take an active part but he is very capable of giving good advice. He will furnish Macleane and you with the estimate of receipts and disbursements for 75, the General's observation to Mr. Hastings's.

The General and old Fowke are solicitous to make something of the complaint they have begun against you ; else such inquiries are not so much carried on by them as by Monson and Goring.

(B.M. Add. MS. 29136, p. 94.)

No. 9*b*. *G. Vansittart to Graham. Calcutta,* 25th Mar. 1775.

By the several papers which Mr. Hastings will send you, you will observe to what lengths disputes have been carried since I last wrote to you. I will confine myself as before to such information as will not be communicated by him. I desired your brother George to acquaint you that strong suspicions had arisen of Mah. Reza Cawn's having actually deserted us, but I am since satisfied that the reports were groundless. He is afraid of the new Gentlemen and with reason. Nundcomar has been trying to get his jaghier resumed which is his only support and if he was to offend them, it would most probably be done. I now enclose you translations of Mah. Reza Cawn's letter to the new Gentlemen, and of the answers which he had originally proposed to the questions. . . . These are the answers of which he mentioned the purport to the new Gentlemen and for which he got scolded by them as I before wrote you. Goring was almost daily with him for hours together instructing him what he should write, till his answers were brought into the form, in which you will see them on the Consults. of the 13th March. He would not be satisfied with anything less in condemnation of the measures of the late Administration. I think it might be asserted even from a perusal of the answers

themselves, that they were written as dictated by the new Gentlemen. It is natural that M.R.C. should say the collections were better managed under him than since, but he would never of himself have attributed the diminution solely to the impropriety of Mr. Hastings's measures and have let pass the loss of inhabitants by the famine as a thing unworthy of notice, nor would he of himself have introduced the attack upon the Bank. On the article of opium which was not among the original questions, he wanted to excuse himself from giving any answer alleging that he had not been sufficiently in the Behar province to acquire a competent knowledge of the management of the business. Mr. Goring then produced to him an account of it, which had been drawn out by Perbooram, and recommended to him to adopt it as his answer. What he has written is an abstract of it —M.R.C. did not send me his answer till the 15th. However I had in a manner authorised him to write as he had done. I told him not to hesitate about condemning the measures of the late Administration, that without doing so, it would be impossible he should avoid the enmity of the new Gentlemen and that we should very well be able to defend ourselves against anything he might say in opposition to us. I nevertheless sent Sudder-ul-Deen to reproach him for not having shown them to me before he delivered them. He did so and wrote me an account of the conversations he had with him. I enclose you a translation of it No. 1.

The Genl. Consults. of the 11th and 16th of March will show you a heap of accusations lodged by Nundcomar against the Governor and will inform you that the Majority have determined to prosecute in the Supreme Court for the money he is said to have received from Munny Begum. The rest are general calumnies—What think you of the General's proposing to put Cantoo in the stocks for refusing to give evidence before the Council concerning charges, which are to be tried in the Supreme Court of Judicature. The Ranny and her crew have received Kellauts from the Majority and are returned to Burdwan. They were plainly told that they should not be dismissed, unless they would produce accusations and you will see the result in the Revenue Proceedings of the 10th and 14th March. They have asserted that 15,000 Rps. were received by the Governor and 135,000 by the members of the late Council but without particularising by whom. Birge Kishnur has denied them both—They have asserted too that you have received Rps. 2,02,485 but no part of this is pretended to be since the death of Raja Ullock Chund except one sum of about 40,000 Rps. and therefore it is foreign from the Ranny's original complaint. Concerning this sum of 40,000 Rps. I desired Birge Kishnur to send me an explanation and I herewith inclose you No. 2., a translation of the answer he gave me. I enclose you also No. 3. a translation of a representation he has drawn up regarding himself, but he could not possibly receive any benefit from delivering it to the Council in their present humour. You will observe that both he and Roopnarayn Chowdray and the Mohurrers were examined by the Majority upon oath. The examinations before the Council of people whose evidence may be required by the Supreme Court have a tendency to the perversion of justice. Many will be induced by their fears to say or even to swear what they know the Council wish and old Nundcomar tells them is expected from them and afterwards they will be influenced by it, when called before the Court.

To procure information of presents having been received by any of

the Members of the late Council, particularly the Governor or you, or Barwell, or me, is now the great object of the Majority's labours for the public good. Monson, Goring and Nundcomar are the acting persons in this pursuit. Nund-duld, the Vackeel of the Ranny of Radshay, who has been sometime in Calcutta complaining against Dulleel Roy and endeavouring to recover the farm of that district, was expressly told by Monson himself, as he and Gunga Govind have assured me, that he should not obtain his wishes, unless he would lodge accusations. On the other hand, both he and Ram Kishnur (the adopted son) have been assured by Nundcomar that if they will lodge accusations, they shall obtain complete success.

The Nuddea Zemindar has also been required to lodge accusations and because he has not done it he is persecuted by Goring and through Goring by the Majority. In short old Nundcomar has met with employers, who allow full scope to his genius. He sends for all the Vackeels and everybody else whom he can get to come near him and distributes threats and promises all day long. . . .

Mr. Hastings and Barwell and I have been making out a plan for the settlement of Bengal at the expiration of the present leases. It will go home by this ship as a joint minute from Mr. Hastings and Barwell and I hope you will like it. The new folks are also to give in a plan. We know not what it will be.

(B.M. Add. MS. 29136, p. 130.)

Enclosure No. 1. *From Sudder-ul-Deen.* 18*th Mar.* 1775.
(*In Vansittart's letter above.*)

I waited on the Nabob to-day and represented to him what you directed me. He acknowledged it was true, but said he had been deceived by Mr. Goring who had promised to send back the paper. Such a mistake will not happen again. He informed me that Mr. Goring had been with him last night and had told him that " Nundcomar had delivered a writing representing that he (the Nabob) had paid some money to the Governor by the hands of Aly Ibraheem Cawn and Syed Mahomed Cawn, that the Gentlemen intended in consequence to send for him and interrogate him and that he would be obliged to answer upon oath ". He said he told Mr. Goring that " he would have given money but that neither the Governor nor the Gentlemen of Council would accept of any ; that he had offered him Belvedere and his house in town but he would not agree to receive them ; that he had even refused a few pieces of cloth which he had sent him by Aly Ibraheem Cawn on his arrival in Bengal ; that all this was strictly true, but that with respect to taking an oath, no such proposition had ever before been made to him and that upon this Syed Mahomed Cawn interfered and told him that he and Aly Ibraheem Cawn would take their oaths provided the Gentlemen would promise to punish Nundcomar ". The Nabob told me too that the Rajeshay people had been with him the evening before greatly alarmed and representing how much they had been pressed to lodge accusations.

P.S.—The Nabob said that in the course of conversation he informed Mr. Goring that he had made one present to the Gov. and that upon Mr. Goring's asking what, he told him a Persian Cat.

(B.M. Add. MS. 29136, p. 124.)

No. 9c. *G. Vansittart to Graham.* 28th Mar. 1775

I enclose you an extract of a letter, which I received yesterday from Aly Ibraheem Cawn. I send it you, because it confirms Sudder-ul-Deen's account of Goring's conversation with Mahomed Reza Cawn concerning presents and is an undeniable proof of the shameful methods which are taken by the new Gentlemen for procuring informations.

(B.M. Add. MS. 29136, p. 138.)

Enclosed. Letter from Aly Ibraheem Cawn. Recd. 27th Mar. 1775.

On the 19th Mohurrum Mr. Goring said to the Nabob, " Nundcomar has given in writing to the General that you got your business settled by making presents through Aly Ibraheem Cawn and Syed Mahomed Cawn to the Governor and Gentlemen of Council. The General says that you Aly Ibraheem Cawn and Syed Mahomed Cawn will be obliged to attend the Council and give an answer on oath." The Nabob replied in anger. " Amongst us it is discreditable to take an oath, whether true or false. What is the necessity for an oath. I find the General wants to disgrace me. What Nundcomar has asserted is false. I did not make any such present either to the Governor or to the other Gentlemen. If anybody should ask this question a hundred times, this will be my only answer."

I was not present when the conversation passed. Syed Mahomed Cawn was and told Mr. Goring that nothing had been given through him or me. As soon as Mr. Goring went, the Nabob sent for me and informed me of these circumstances.

Another day Mr. Goring came to the Nabob and said to him, " The General is not pleased with you. He told me that you are not united with him ; that you do not lodge accusations against anyone ; and that therefore he cannot serve you. I informed the Col. of this. The Col. told me it did not signify ; that he was your friend ; that if a little opening was allowed by the orders from Europe, he would get your business effected ; and that it would not be proper for you to lodge accusations." The Nabob replied to Mr. Goring, " The General looks upon me to be a man like Nundcomar, to lodge false accusations, which will not be proved ".

(B.M. Add. MS. 29136, p. 134.)

Nos. 10.—Goring on the Defection of Muhammad Riza Khan

No. 10*a*. *C. Goring to Lord Montague. Calcutta,* 5th Jan. 1775.

Since my last Address to your Lordship I have the Pleasure to acquaint you the Concurrence of many Causes has led me to the Acquaintance of General Clavering and Col. Monson who do me the Honour to entrust me with a considerable Share of their Confidence, and to whom I can with great Truth say I have inviolably attached myself, by which I have gained the [dislike] of the whole Settlement, particularly the Governor : as it was, however, a Promise I made Lord North I am determined to abide by it and hope thro' your Lordship's Means to be supported by him. I spare no Pains to gain the Gentlemen every Insight in my Power into

the Business of the Country, which I am sorry to say has been scandalously mismanaged. At present I am labouring to bring about a good Understanding between the General and Nabob (Mahomed Reza Khan) whose Mind has been poisoned by the Misrepresentations of Defaulters who want to screen themselves from the Punishment they deserve. The Nabob is, I believe, now fully satisfied of the high Rank and Authority the General bears in this Country, and has by repeated Oaths and Assurances, promised to attach himself entirely to him. I look upon this as a most lucky Circumstance as it opens an easy Road to every Information the General wishes to be Master of by putting into his Hands the master Key to every secret Transaction that has passed for many Years : for political Information I must beg leave to refer you to the General's Packet which contains a Story I should be concerned to repeat, in short, my Lord, I do not think Corruption ever rose to so great a Height as you will find it has done here and wisely has my Lord North done in sending out People of Trust to relieve an almost ruined Country.

(Robinson Collection.)

No. 10*b*. *C. Goring to Lord Montague. Calcutta*, 21st Feb. 1775.

. . . I have the Pleasure to acquaint your Lordship since my last Address I have effectually brought over the Nabob Mahomed Reza Khan to the General and Gentlemen. I flatter myself they will find this no small Acquisition considering there is hardly a single Englishman they can depend upon. I will not here enter into the Reason why, as the enclos'd will fully satisfy you on that Head. General Clavering (as he promised me) will, I make no Doubt, inform Lord North how far I have performed the Promise I made his Lordship before you. I hope therefore, through your Lordship's Interest to be considered by him in any future Arrangement that may take place as I have not only sacrificed Days but Nights too for months together to the great Injury of my Health in the Cause I am embarked in and not only so, but have made Enemies of every European here, and I suppose in Consequence of their Friends in England. I trust however, Lord North's and your Lordship's Favor will over balance any ill Turn they can do me and this encourages me to go cheerfully on to render the General every Service in my Power.

(Robinson Collection.)

No. 11. *Clavering to Lord North. Calcutta*, 25th Aug. 1775.

Most Private.

Colonel Thornton will have the Honour to wait on your Lordship with this Letter and to explain to you more fully my Situation than I have been able to do it in my Writings, however explicit I have been. You will find that the open and avowed Attacks of our Enemies have not been the only Difficulties we have had to encounter ; a doubtful Friend has given us much Anxiety, because the Success of all your Expectations depended on the Union of our Sentiments and our Action. With great Prudence both have been preserved, together with the public Appearance ; but we have not been able to carry our Point without sacrificing our Opinions to the political Necessity we have been under, I mean in regard

to bestowing Places on some dependents of our Friend. I cannot speak too highly of Colonel Monson's strict Honour and application to Business. A conformity of Sentiments and Views will I have no doubt be the Bond of Union between us.

If the Changes which must necessarily be made in this Government, your Lordship shall think fit to trust it to us upon such a Footing as we can conduct it, I must beseech you to weigh well the Character and Fortunes of the Persons whom you give us for Coadjutors. The Temptations to people of desperate Fortunes or of no defined Character are, as Lord Clive well said, almost irresistable. If you should not have made your Choice, I would wish to recommend two or three Persons who are now in this Country: Mr. Rous, at present the Chief of Dacca . . . Colonel Dow, the Commissiary General, who has given great Proofs to me of his Integrity and Ability in the Functions of his Office: I know Lord Mansfield interests himself much for him; Mr. Harwood, the Chief of Dinagepoor whose Connections I do not know; but he has proved himself a Man of Integrity and Ability. Were these three men only appointed in the Nature of Assessors, to sit in Council with deliberative Voices, perhaps we might receive as much or more Benefit from them, than if they were quite on a Level with ourselves, but they should succeed to the Council in case of a Vacancy.

(Robinson Collection.)

No. 12.—Directors' Despatch of Dec. 15th, 1775

§ 1. *On the Dissensions in Bengal.*—While we were indulging the hope that so perfect a harmony would have prevailed amongst the members of the new administration in Bengal, as is necessary to give vigour to the acts of Government, as well as dignity to your Councils, how great must our concern and disappointment be, on finding that dissensions have arisen so early, and operated so far as they appear to have done, from the separate addresses of our Governor-General and the Majority of the Board, as well as from the minutes on your public records—We are far from disapproving a difference of opinion on any measure; on the contrary we consider it as the duty of every member of your Board to express his sentiments with freedom on every subject. Our concern proceeds solely from observing a warmth of altercation, which threatens to destroy that mutual respect and confidence we were so solicitous to promote when we recommended harmony among yourselves.

§ 3. We bear equal regard towards every member and therefore will proceed to express approbation of every measure which is right and reprehend those which appear deserving of censure; but first we desire to convey the Resolutions, agreed to by a General Court of Proprietors held on Dec. 6th, 1775, relative to the objects on which you have been divided.

Resolutions: Resolved unanimously, 1. That notwithstanding this Court hath the highest opinion of the services and integrity of Warren Hastings Esq. and cannot admit a suspicion of corrupt motives operating in his conduct, without proof, yet they are of opinion, with their Court of Directors, that the agreement made with Sujah Dowlah for the hire of a part of the Company's troops for the reduction of the Rohilla country,

and the subsequent steps taken for carrying on that war were founded on wrong policy, were contrary to the general orders of the Company, frequently repeated, for keeping their troops within the bounds of the Provinces, and for not extending their territories and were also contrary to those general principles, which the Company wished should be supported.

2. That Middleton's correspondence should have been laid before the members of the Superior Council.

3. Decided to await the Anson before giving precise judgment concerning the future resources of Bengal.

4. That this Court do agree in opinion with the Court of Directors that the measure of recalling the troops from the Rohilla Expedition as soon as it could be done with propriety was agreeable to the spirit of the Company's general orders ; but considering the situation of affairs at that time between the Company and Sujah-Dowlah and other circumstances, the Court think the recalling them so hastily might have been attended with inconveniences.

§ 4. *Court of Directors' Further Observations.*—We disapprove all such distant expeditions, as may eventually carry our forces to any situation too remote to admit of their safe and speedy return to the protection of our own provinces, in cases of emergency.

§ 5. We also utterly disapprove and condemn offensive wars, distinguishing, however, between offensive measures unnecessarily undertaken with a view to pecuniary advantages, and those which the preservation of our honour, or the protection or safety of our possessions, may render absolutely necessary.

§ 6. The attention paid by the Majority to the tenor and spirit of our orders on this subject is highly agreeable to us, and it is our most positive direction, that no deviation from those orders be permitted but upon the most urgent and absolute necessity, as that alone can justify a departure from them ; for the prospect of any advantages, however alluring, can in no wise be adequate to the pernicious consequences, which must result from examples of disobedience to our orders.

§ 7. The sentiments expressed by the Majority coincide exactly with our own ; their determination to endeavour to maintain peace in India and vigorously to defend our possessions and allies, cannot be too much applauded. We therefore strictly enjoin every member of our Council to concur heartily in such measures as may be necessary for accomplishing these desirable purposes.

§ 14. It is with equal surprise and concern that we observe, on your minutes of Council of 13th Feb. 1775 among several ideas suggested on the subject of a Treaty to be concluded with the successor of Sujah Dowlah that any servant of the East India Company should propose the relinquishing of a considerable part of our property and giving up the Rohilla Country to the King, in order to facilitate the obtaining from Shah Alum a grant of the sovereignty of Bengal and Bahar, to the Crown of Great Britain. (This proposition had been advanced by Francis.)

§ 15. We take it for granted, that the impropriety of the minute [Francis's] alluded to must have appeared to you in a light so striking, as to have precluded all concurrence therein ; we, nevertheless, think it necessary to issue the most speedy and pre-emptory orders and instructions for your future guidance ; and therefore direct that no proposal of a like

tendency, be ever made by you to Shah Alum, or agreed to, if proposed by him, or by any other person, on any account or pretence whatever.

§ 16. Although the death of Sujah-Dowlah may render it necessary to make new arrangements with his successor, we cannot agree with our Council, that our treaties with the State of Oude expired with the death of that Nabob.

§ 17. The keeping of a brigade in the service of the Subah of Oude is a measure we entirely approve (provided it be done with the free consent of the Subah but by no means without it) as it enables us to increase the real strength of our army, without incurring additional charges thereby ; but the whole pay and contingent charges must be borne by the Subah.

§ 18. The death of the late Vizier affords an opportunity for rendering this measure still more satisfactory. His successor cannot but be sensible how much depends upon our support and therefore will, we persuade ourselves, readily consent to defray the whole expense of a Brigade to be employed in the defence of his dominions. . . .

§ 60. Recommend " cordiality and harmony so essential to the interests of the Company ".

(Bengal Despatches, vol. 7, p. 639.)

Nos. 13*a*.—Letters to Hastings on the Disputes in Bengal and the State of Parties at Home

(1) *From L. Sulivan.* 28th Nov. 1775.

So various are the opinions of Bengal affairs, and so great the struggle between the friends of the Company, and those of Messrs. Clavering and Monson that to this hour nothing is determined upon in Leadenhall Street, altho' a ship is ready for dispatches, and a General Court is to meet in a few days.

From all we can gather Government will not openly take any part in these disputes, but covertly there is too much reason to fear they support the Triumvirate, and yet not to the extent as may force you to retire. The Directors (and many of them are your friends) seem to take the same line, so that the best conjecture I can form is that it will be a patch'd business—some allowances however must be made for such conduct—the present situation of this country with America is serious and critical—we are split into parties, Clavering and Monson have powerful connections that unite with the Ministry and they must be kept in good humour—on the other hand Bengal is felt as a great national object, and no minister will dare to risque it's loss—the glaring indiscretions (to say no worse) of the 3, oppos'd by the merit and immense services of our Governor-General will I conceive keep the scale nearly even—and this is the truest picture I can draw.

In this view of circumstances your confidential friends have but one opinion—they conceive that the interest of the Comp. and the Nation with your own honour and reputation point clearly that the Governor-General should hold his station—this is our earnest wish—we implore you to acquiesce—we know that perseverance will afford a complete triumph —a little time will establish some important truths that our enemies now plausibly contest—the inability of your opponents is also conspicious—

we wait anxiously for the new Treaty which it's apprehended will completely seal their condemnation—giving the Rohilla country to the King instead of *saving a brave nation*—Guaranteeing the Rohilla Territories *which hardly could be found in the ordinary maps*, giving the sovereignty of Bengal and Bahar to the Crown of Great Britain—depriving the Heir of Sujah Dowla of Corah and Illabad and solemnly insisting on keeping the purchase money—naming Nudjiif Cawn, the *Protector of Sumro*, Vizier of the Empire, and hiring out our troops as mercenaries *to the disgrace and dishonour of the Nation*—if the Treaty is ultimately formed on such a basis, it is hardly possible that the Triumvirate can be defended. . . .

The unbounded confidence you have reposed in Col. Maclean is a pleasing proof to me that you *know him*—this is what I labour'd to accomplish—it was all I wish'd—his conduct here has been such as to rivet him to your bosom—his distinguished talents are exercis'd with unremitting ardor in defence of your measures, and it's a solemn truth that he has prevail'd in many important quarters where no man but Maclean could have succeeded—he took bold and manly ground on his arrival (first convincing those in your confidence it was right) declaring that you sought no favor—that your honor and reputation must be preserved unsullied, that if upon a review of your measures they were found to merit commendation, you would continue to fill the important station, but upon terms in the least degree humiliating another Governor-General must be appointed.

Upon Col. Maclean's arrival, and for some time after until he with other friends could remove the strong impressions that had been industriously and widely spread it was our united opinion that no express should be sent to you and by a French ship to say only two words, *Have patience.*

The worst that we have apprehended from the Court of Directors and the General Court is a condemnation of the Rohilla War, which we believe will be softened by a compliment, and keeping back Middleton's correspondence, with these we trust such praises will be mix'd, as will convey more than may be proper at this hour to express.

(B.M. Add. MS. 29136, p. 361.)

(2) *From F. Sykes.* 29th Nov. 1775.

. . . It has given me real pain to find the disunion, which instantly took place between you and the new Council. I have read all your letters and Consultations, at the India House and find the attack, immediately upon their arrival, and that violent, with a great deal of acrimony, they appear to be displeased first at your reception of them, and that displeasure, carried to greater lengths, upon other foundations, indeed, my dear friend, whatever were their assertions, previous to their appointment here and afterwards, regarding you, I always thought they would think you a yoke upon their shoulders and I fear this is really and truly the case. The accounts first came from abroad, with strong hints of corruption on your part, particularly the private letters, and that time would soon bring that to light, nay they went to such a height at once that I had upwards of £300,000 in my hands of yours, this ever by me, set in a proper light,

to my Lord North, the people about him, the Chairman and Deputy Chairman, with the other directors and indeed, to every person of any consequence, set in a just light, so that, that Idea, is in general disbelieved and entirely dropt, yet one of the Directors in his speech, stuck greatly, at your producing a broken set of correspondence, that he could not yet think that something was wrong—You have, I find, committed the executive part of your defence at home to Mr. Maclean, who, though sensible and resolute, yet the world has such an idea of the man that he acts greatly for hire and his connection with Sulivan, brings in a number of ill wishers. I have been with Lord North's Secretary, where the influence in this business lics, several times, and was with him yesterday, when we talked over the whole of this business. They condemn the Rohilla War in every part of it, yet avail themselves of the money and its advantages, they say it is contrary to the orders of the Company. I urged a discretional power being always lodged, with the Government abroad, and the strong and repeated injunctions of the Directors to you, to put them in cash at home, was a main and primary motive to this undertaking; with respect to your correspondence, if you delivered everything relative to the Company's affairs, there could be no just reason for complaint, suppose I had or did even now, deliver up to a public board Lord Clive's correspondence with me it would I am certain cause a great deal of unhappiness to many persons. The Rohilla War is already condemned and will now, I fear be repeated, but the whole proceeding from an error in judgment. I hope they will not say anything of your correspondence, tho' many, notwithstanding what I have said, are willing to say something on that subject as disapproving of your conduct in this particular, and reprimand the Gentlemen for that violence and acrimony with which they made the attack. They have asked me regarding the two statements of revenues, sent home. Yours, I said, in my opinion, was the truest state and most to be depended on—Though, I gave it as my opinion, that as long as the Directors made their estates in Bengal subservient to their extravagances here, the revenue would never increase, that they ought not to have an investment from Bengal exceeding 60 lacs to allow a trade to others. In short, my friend, the Gentlemen with you, would be glad, you would take your leave and really want, either the Gentlemen here to recall you, or to oblige you to retire. Be firm and resolute, as I know, no one can be more so and be assured you will come off with credit: to be drove away, never let it be said, for be assured, it will carry with your enemies, not a happy construction, therefore I beg and repeat, do not come home till you are perfectly satisfied and in the meantime I hope a reconciliation will take place—You have done wonders for the Company and the savings you have made are prodigious. They dare not dismiss you without some real fault. The Ministry you may be certain, leans towards their own people, yet would be sorry you should quit as yet, I am certain, lest things should go on wrong. Few people are fond of Maclean and I do not think in the end he will do you much good. . . . I shall as long as I live continue to labour steadily, in your interest and I shall be happy if I can do you any good, yet I must tell you, it is not very pleasing to see in Maclean's hands, letters and papers of consequence, which you direct to be shown to Caillaud, Palk and Sulivan but to no *others*. Your private affairs are in a regular way. yet you draw upon us as fast as you

remit, at least you have done it hitherto. . . . Wishing you much health and a happier government. . . .

Clavering's conduct towards Fowke is very singular indeed. Walsh wants to get him to succeed Pigot, but it will never go down.

(B.M. Add. MS. 29136, p. 363.)

(3) *From R. Palk.* 19th Nov. 1775.

. . . You stand high in the public opinion, notwithstanding the strange attempts that have been made to your prejudice—The plan at the end of the town undoubtedly was to snatch all the patronage from the Company and to prepare the future establishment of a revenue or something instead of it, at the renewal of the Charter. This will account for the many unjustifiable measures that have taken place, the opinion abroad and the appointment of a Majority in your Council at home and having done all this the ministry seem satisfied and to wish not to be further embarrassed with disputes in India, nor are they very anxious to vindicate your opponents, further than what men will naturally do, to justify their own nominations.

When the Anson arrives the Deputy Roberts told the General Court, all the papers relating to your late disputes should be laid before them, but they will endeavour to evade this now I believe and to give you for themselves a few cursory remarks, which will not be pleasing to either party—All your friends wish and conjure you not to abandon your post and whenever the occasion shall call for it, we trust we have collected from your papers sufficient details to do honour to your successful conduct.

Sulivan and Mr. Pechell have been indefatigable in arranging your papers, the latter having drawn up the substance of the whole and the former stating in figures the amazing advantages to the Company in your Administration—so that we are well prepared and from the tenor of your letters you do not wish us to enter into controversy, the longer it is delay'd, the more successful shall we be.

The Proprietors in general think highly of your services, the Rohilla War only is not relished, but even here, they think you are justified from the situation and distress of the Company.

. . . American affairs engross all our attention.

(B.M. Add. MS. 29136, p. 341.)

No. 13*b*.—On Events culminating in Directors' Despatch of Dec. 15th, 1775

From L. Sulivan. 7th Dec. 1775.

Yesterday the General Court determined upon your conduct as brought forward by the Directors respecting such parts as were deemed censurable, to which your friends added a preamble (and it was unanimously agreed to) declaring their sense of your eminent services and integrity, and reprobating the injurious insinuations thrown out against your character, and it gives me pleasure to assure you that the general voice of this numerous assembly was united in praise of your abilities and great services.

There were only two that appeared hostile. John Johnstone (which will not surprise you) and N. Smith the Director, this Gentleman, tho' certainly a wrong-headed, I believe a well-meaning man actuated by strange speculative ideas and an obstinacy not to be shaken.

Prolixity is not agreeable to either of us, still as your feelings upon this subject will determine your stay or return, detail in this instance, tho' perhaps odious and tiresome is material and necessary.

The language we set out with upon Mr. Maclean's arrival by his advice and partly confirmed by your letters to Palk and me was, that if the Company approved of your services and supported your authority you set no bounds to your stay in India, that on the contrary if they meant to place any other person in the Government, your friends were instructed to make no opposition to such determination, as you would cheerfully resign the Chair—that upon no terms would you be made the instrument of any faction whatever, but if any attempts were made to attack your honour and integrity every step would be boldly and firmly taken to defend your character. These were the sentiments very early conveyed to Lord North and others in power by Colonel Maclean, who, if he has time will state to you the whole, nor were your other friends idle in the different quarters they could approach ; however the conduct of Leadenhall Street and Westward did not please us much, the compositions of Master Francis were trumpeted about, and had made a great impression and therefore we saw it necessary to bring forward a General Court that the revenues, savings, and expenses and commerce, with other essential matters might be produced to form an accurate judgment of the state of Bengal and this was effected thro' Mr. Elliot, an independent Proprietor attached to you from principle—it is astonishing how this manœuvre has operated—Mr. Gregory before this time had moved and carried in the Court of Directors that the Rohilla War and the measures taken in consequence were acts of disobedience, wrong policy and injustice, but the statement of our affairs to 1775 Dec. with other papers being circulated by us, as well as from the India House, they gave the Proprietors a knowledge of what they owed you and turned the tide violently in your favour and against the Triumvirate—it was in this hour judged prudent that Col. Maclean should make his way to Lord North and Mr. Sulivan to the Chairman to ask this plain question, whether it was intended that Mr. Hastings should be removed from the Chair with dishonour because Mr. Gregory's motion which the Directors had adopted was considered by your friends as a gross injury to your character, and which they were determined not to endure. Mr. Harrison behaved well and avowed himself your friend. Mr. Maclean met the same success from Lord North—both had previously resolved that these offensive stigmas should be expung'd, having little more than the substance of the orders of Mar. 1775, and being thus chang'd by the Directors, the preamble of praise was added by the General Court without a dissenting voice—it stands upon the records *unanimous*.

The efforts made in both these quarters brought to light the secret plan of the ministry originally intended, to wit, to cast no more blame upon Mr. Hastings than it was supposed he could bear, as his resignation would be considered a public misfortune, to treat the Triumvirate tenderly that their friends here might not be disgusted, and it is the wish of the Government that harmony in the Supreme Council if practicable, may be

cordially established and in this stile I have reason to believe that the letters are now couched that are sent by the friends of the *three*. In truth America has put the Minister in a very critical situation and he certainly wishes to secure the support of every man at present attached to him. As it may alarm you that Mr. Gregory's motion as it first stood should have had a majority in the Court of Directors, it must not be concealed from you that the Majority are entirely governed by the Administration (and so I fear will all Majorities) because unhappily it is thro' this door, and no other that a man can make his way to the Direction—As the minister had not then explained his wishes they guessed at them, but no sooner were his sentiments known than the ground was changed, and by a very large majority, because our own friends joined them.

With you in particular I have ever valued myself upon wearing no disguise and in this hour of trial its fit you should know those who have stood forth to vindicate your honour. Mr. Palk, naturally wary, and whom you must remember we never could rouse to any degree of activity even for poor Van and Sulivan, has been extremely alert, avowedly and openly declaring his sentiments. Messrs. Pechell and Caillaud have laboured to the extent of their power and so has Mr. Graham, Messrs. Dupré, Sykes, Sir G. Colebrook, Sir J. Cockburn, Sir Gilbert Elliot have zealously exerted themselves, but before us all must stand Mr. Maclean, because his own situation is particularly delicate and for management, address and intense application he has no equal. . . . Maclean throws the dye for his future fortune upon your continuing in the Chair, and ultimately triumphing over your enemies, having to this hour taken no one step in his own affairs, which the Directors feel as a contempt of them and they are at present extremely disgusted with him.

In the General Court no friend took any part in the debates (Colonel Maclean excepted) for unless your character was attacked, it was considered as redounding more to your honour that your conduct should be defended by those who could have no possible connection with Mr. Hastings—a conduct I find that has made great impression upon Administration—Colonel Maclean's speech was principally a modest detail of your services and gentle correction of Mr. N. Smith's gross mistakes—it gave universal satisfaction both within and without the bar and is held to have been one of the finest pieces of oratory ever delivered in a General Court. If Mr. Maclean compasses what he is now labouring (some honble distinction for you from the Crown) we shall (all circumstances weigh'd) close for the present well indeed.

After this long history of incidents which may not be altogether useless, I now come to this most serious question " whether you should *stay* or *return*". Upon this important point all your real friends with those in your particular confidence have but one opinion—they unite in one voice *that you ought to stay*, and individually they will add their warmest entreaties that you do not return—let me in the words of Mac to the minister *conjure you* to remain—for we see that the absurdities of the three will seal their own condemnation and beyond the power of friends to protect them, if (as I firmly believe) they adopt the principal ideas of a treaty with Asoph Dowla as stated in Consults. of 13th Feb. last, the ball is at your feet, they lie at your mercy. They must either take shelter in a perfect reconciliation or be reprobated by you or your friends for their

dangerous and inconsistent conduct—in either instance you and Barwell must completely triumph—even the very resolutions of censure of yesterday upon you go strongly to effect an union as they will become more strongly mark'd in the same censures. Let me explain myself.

It was said that against orders our troops were at such a remote distance—if the Rohilla country is given to the King or any other power and guaranteed by treaty, their disobedience is much stronger because perpetuated. Increase of territory is another charge, if they add Guzapore and Benares to our other dominions, this is certainly a flagrant breach of the orders from hence. The Company's orders are now repeated that our troops shall not pass the boundaries of Oudh—if by treaty the king is in possession of the Rohilla country, or its annexed to the dominions of Asoph Dowla and the three have sworn to protect them into what a chaos will our affairs be thrown! They will remember that notwithstanding their opinions of the 13th Feb. were at this hour before the Company and the Ministry, and in all human probability long since carried into execution by solemn treaties, yet that the Company had determined to reprobate them all, and they will feel that their own interest at home could not check resolutions of censure that carried the thing far stronger against themselves.

In my visit to Mr. Harrison (the first I ever made for we were never upon kind terms) I very plainly stated those sentiments, and the probable consequences—he felt the observations and took pains to expunge Mr. Gregory's motions, but his own ill-health with the Deputy's *then* opposition rendered his endeavours ineffectual—this candid conduct in Harrison (to whom I read your paragraph) will merit your acknowledgment. Mr. Purling has taken the part of supporting you whether principally from the desire of serving Barwell, or regard for the Governor General I know not.

A censure in tender terms is passed upon the three for precipitately withdrawing the Brigade and the General Court recommended their appointment of servants to the revenue branches, and their considering opium as an article of revenue to be properly noticed. A motion for censuring Colonel Monson for proposing to annex Bengal and Behar to the Crown in sovereignty was attempted, but notwithstanding the present difference between you, we considered him as a gentleman you regarded and esteemed and therefore all your friends joining in opposing it, the question was lost.

The manly and direct part that Mr. Barwell has taken in support of your measures redounds much to his honour and it is fit that you should know that the same spirited conduct is held by all his friends in England, and by the activity of his sister—they are not a small number—the union between you was a fortunate incident.

We anxiously wait for the arrival of the Anson and are not without fears (her condition considered) that she is lost. Your next advices will put us upon great ground, for we have now conquered all difficulties, and expect no further obstacles will be thrown in our way. Your friends are warm and sanguine and no man living more so than, etc.

(B.M. Add. MS. 29136, p. 379.)

Nos. 13c.—On the Receipt of the *Anson's* Despatches

(1) *From L. Sulivan.* 3rd Jan. 1776.

The Anson's Advices have completely puzzled all parties, nor can I even yet conjecture the issue—however all unite in the opinion that *now* there must be a removal either of you or your opponents. Perhaps the next year it may be determined. I do not think any alterations will be attempted this season.

In the first five days (your private dispatches not then receivod) excepting the few who think you cannot do wrong, you was condemn'd in one voice as the most corrupt man that ever filled the Chair of Bengal. These daring aspersions that the Governor-General *had been guilty of every species of peculation,* found almost universal credit, nor could anything but your packet of the 29th April have checked the torrent. That indeed has been a thunder bolt, and I have the unspeakable pleasure to say, that at this instant every unbiassed man believes Mr. Hastings perfectly innocent, and the most violent confess we ought to wait for further lights for forming our judgments. As Mr. Palk with myself had not received a single *line,* we considered it must have been your intention to include us in your confidential intercourse with Maclean and Graham, and therefore we were present at the opening and perusal of all your letters—poor Maclean must be ever dear to you—an alarming illness could not keep him within doors. The Chairman had early possession of the dispositions etc., and they have had a proper effect—the only point at present to be settled is your power of dissolving Council—it is laid before the first lawyers, and the opinion will much depend upon the case as stated. I was desired to answer if any instance could be given of a Governor breaking up the Council against the sense of a Majority, and if I thought such authority was vested in him. I said that it was not *within* my memory that such a question had ever been agitated—To summons and adjourn had been the Governor's province, and from 1706 to 1775 never (I believed) before disputed—That had I been Governor of Bengal and under the same circumstances, I must from necessity have acted as you did, or have instantly renounced the Government. However I have not a doubt but it will go against you for the Ministry (whose influence is too great to withstand) certainly incline to Messrs. Clavering etc., your own merit, immense services and their responsibility poise the scale and (were it possible) they still wish you all to remain. Before the Anson's arrival I had written Col. Monson a letter with a view to produce harmony, building then upon your favourable opinion of him and his tenderness towards you when he left England—its now too late to recall—at any rate it can do no mischief, and enclos'd you have the copy.

The conduct of Mr. Barwell throughout these disagreeable disputes appears to me to have been firm, sensible, friendly and manly and we do understand that these divisions have lost him a very amiable wife. I have therefore committed myself as a friend warmly attach'd to him, upon whom he may depend so long as the character is maintained that he at present holds. The charges against him arrive in a very unlucky hour, when prejudices operate so strongly against him that for an Indian to escape must be like Caesar's wife, free even from suspicion. I am not yet

perfect master of this subject—I believe he has not transgressed the letter (I hope not the spirit) of any existing order, and as I conceive that the Company has not been injured by the transaction, he may be assured that his friends at home will not be idle. . . .

. . . I am happy to find that my friend Mr. Sayer has given a clear opinion that you have the power of dissolving the Council—it has the more agreeably surprised me because in a long conversation I found him rather violently determined against it. The opinions of Dunning etc., will I understand go the same way.

(B.M. Add. MS. 29137, p. 1.)

(2) *From F. Sykes.* 31st Jan. 1776.

I have been all this day reading the General letters by the Anson, the letter from Clavering, Monson and F. are very bold assertions, the persecution is very dreadful and by such a conduct any evidence may be obtained. I wish you never had given any countenance to Nundcomar. I suppose you was desired to do it by private letters : your connection with him surprised every one here, as it did me, knowing your former sentiments of the man. I am made very unhappy by the dreadful accounts from Bengal. I hope you have been very careful no proofs appear. If they do they will ruin you by prosecutions. I would have ventured my life nothing of this kind could have ever been laid to your charge. Cantoo's relations holding lands, seems to strike the people as much as anything else. The Directors would have proceeded to something very severe, if you had not very judicially, sent a packet which met with the Anson. I pray most heartily that the 3 gentlemen can get at no proofs against you. We expect daily dispatches overland to acquaint us with what is done against Fowke. I dread the event of this business. All the Gentlemen in the law have given it as their opinion that you have a right to dissolve the Council, but that the use of it is dangerous. The Directors, I find, disapprove the use of it. . . . Poor Cantoo [1] what a situation he is brought into.

(B.M. Add. MS. 29137, p. 56.)

Nos. 13*d*.—On the Attempt of Lord North and the Directors to remove Hastings

(1) *From L. Sulivan.* 1st Apr. 1776.

By the last conveyance you had no letter from me, because I could not hazard mere conjectures which might mislead. However the opinion I had early formed turns out right, and altho' you owe much to your friends, you owe more to yourself, for with all our zeal and activity the power of the enemy would have crushed the Governor-General if his own merit and services had nōt sav'd him—a sense of duty in Mr. Gregory (to which all things give way) overruled his professed regard and affection for Mr. Hastings and he moved to dismiss you and altho' this proved to have been a deep concerted plan with the friends of Government and the blow was to have been followed with Barwell, yet the numbers for dis-

[1] Cantu Babu had been Sykes' banian.

mission were only 7, against it 12 and 5 silent or absent. The resolutions, however, convey a mean censure respecting Cantoo Baboo which you will heartily despise. It seems that they dread the Northumberland's arrival and made this desperate push to remove you—Harrison behaved well and so did Becker and Rumbold. Poor Mac may make his own terms, if he could forget that you are his friend—The list of Directors is soon to be settled—I have little hope as the friends of Clavering & Co. make it a particular point to keep me out.

(B.M. Add. MS. 29137, p. 137.)

(2) *From Col. Caillaud.* 5th Apr. 1776.

The purser of the Northumberland arrived yesterday at the India House, while Pechell and I were sitting in Wilkes' office rumaging records. The execution of Nundcomar flew like lightning thro' all the offices and real general joy was expressed in every countenance, save one or two whose affectation of it but more strongly marked their disappointment. . . . Your confidential despatches entrusted to Elliot are not yet received. We are waiting anxiously for the receipt of them : but we have in the meantime the fate of that wretch to build our fairest hopes on. That your enemies in like manner will be baffled and disappointed in all their attempts to injure your fame and reputation. Barwell I fear, from what I hear is in a tottering situation. But he also has active and powerful friends who will defend his cause while it is defensible and nothing can be done, I believe material at present against him, and it must come into Parliament and the Minister dreads that more, than perhaps Nundcomar did his hanging. The terror of such a business, with so many tails, and at this late period of the sessions, with all the operations of America on their shoulders is more than they dare think of encountering. . . .

(B.M. Add. MS. 29137, p. 150.)

(3) *From F. Sykes.* 13th May 1776.

From what you would learn both from public and private advices by the ships gone out in March, you would, I suppose, be in some measure prepared for the worst. We have been in daily expectations from the arrival of every ship, that you might have found means to have brought about a reconciliation, but the breach is wider and wider, till it is represented, it cannot be healed and that either one party or the other must give way. Your enemies in the Direction have searched every degree of record to establish a charge in order to move a question to recall you and Mr. B., but in vain. They, then said, the Commission from Government must be supported, we are certain they cannot be in any degree corrupted and it is probable that the old Administration may, tho' no regular charge against the Governor is or can be established, yet as a member of the old Administration the new Gentlemen cannot act with him, therefore they put it entirely upon the ground of expediency and in order the better to secure the point, they tacked B— to you, who was given up by the whole Court, had the question been put separately, they could not have removed you, as it was they only carried it by one voice and could we have got Woodhouse and Watkins, both friends to you,

they would have lost it. Thus, my dear Friend, are you, after all the services done to this grand Company, sacrificed to the violence of a determined and interested party. Lord North gave you up and what will surprise you is that Gregory took a very violent, forward part, not only to remove you now, but made a motion to that effect before the sailing of the Tryton. We have called a General Court, and tho' it may not prevent your return, yet it is intended to state to the world the true cause of your recall and wipe away any improper prejudices which this resolution might tend to establish. I have the pleasure to inform you that six directors out of the 16 who voted against you have contracts given by Government. . . .

(B.M. Add. MS. 29137, p. 189.)

(4) *From F. Stewart. St. Helena,* 9th June 1776.

. . . From good authority I know that R—n [Lord North's Robinson] is not favourably inclined towards us. The disputes between the Supreme Court and the Council must however bring on these matters before Parliament. . . What line the Ministry may take is hard to guess. I am still inclined to think they may take the middle way which will please neither party. The Directors you know are now mere cyphers in affairs of that magnitude and must echo back to the Minister the lesson he teaches them in private to repeat. Horley, a thorough-paced courtier and what is more a friend of Clavering was to be brought in at the last election. Their resolutions of October which you must have seen are indeed incomprehensible. They seem to have taken up the point of themselves and without any cue given, or plan formed, and not even to have considered the reasons which you offered in support of your conduct . . . they are so crude and so indecisive that I trust in the temper of mind in which I left you they would not lead you to any sudden determination till you should hear how people in the other end of the town were disposed. It however pleases me to see the respect with which they still affect to treat your name and I am told you stand still high in the public opinion in spite of the infamous charges sent home by the Anson. . . . I find Gov. Johnstone is rather adverse. You know I always apprehonded more politically from his friendship than his hostility and I see that personally he respects your character very much. . . . I have seen a letter which says that the rage against Indians and the envy which follows their great fortunes begin to revive to its old pitch again, particularly on account of some late election business which you must have heard of. God knows how far this may operate in favour of the Triumvirate who place their chief merit not in their own measures, but on a strong and deliberate censure of the past. . . .

(B.M. Add. MS. 29137, p. 210.)

(5) *Mr. Pechell to Robinson, 'concerning Hastings'.* 10th May 1776.

The violence of Mr. Hastings' enemies having in the Court of Directors, carried a resolution highly reflecting on his honour and in its consequences pernicious to the Company, and thereby prevented the conciliatory measures his friends wished, I have joined my name to those of some

respectable persons who wish to have this resolution overturned and with them prayed a General Court.

This I have done from the duty I owe to an injured friend, and a regard to my own interest as a proprietor. I am and mean to be unconnected with those who may act from other motives. I may conclude from the conversations I have had the honour of being admitted to with you, that this act of a fortuitous and most scanty majority among the directors, is not a measure of Government, who only wish to have justice done and the true interest of the Company pursued, and I hopo, whatever steps they who really have no other wish take to prevent the effects of this violence will be looked on in their true light. I shall be much obliged to you if you will lay my sentiments in this matter, before my Lord North, to whom I should be happy to be useful, I think he must approve them for they are founded on principles reigning in his heart, regard to virtue and worth.

Endorsed " Saw him and answered ".

(Robinson Collection.)

Nos. 14.—Francis on his Revenue Plan of January 1776

No. 14*a*. *Francis to Lord North. Calcutta,* 22nd Jan. 1776.

In the Letters, which I have hitherto taken the Liberty of addressing to your Lordship on the actual state of Bengal, I did not venture farther than to suggest the general Principles, on which I conceived a future Settlement of the Country should be founded. To this great Object my Inquiries have been constantly directed, and with as much Care and Application, as I am capable of giving to any Subject. In proportion as I acquired local and particular Knowledge, it has been my constant Rule to compare Facts with Principles ;—judging that, if ruinous Consequences in Practice were proved to flow from false Principles in Theory, the Reverse might be fairly expected to follow from the Establishment of true ones. Hitherto I see no reason to question the Truth of those general propositions, which struck me at the first View of the deplorable State of this Country, and which, tho' drawn from the Sources of European Policy, must hold good at all Times and in all Places, if as I believe, they are founded in Truth and right Reason. A weak, fluctuating, arbitrary, rapacious Government will as surely ruin the richest Province of Asia, as it would the richest Kingdom of Europe. I do most solemnly assure your Lordship that the total Misrule of Bengal, for several Years past, is absolutely inconceivable by any Man not upon the Spot. In the latter Years particularly, the whole Country has been given up to Pillage, without Shame, Moderation or Prudence.

I now submit to your Lordship a Plan for a future Settlement, with a firm and deliberate Conviction that, if this Country is to be kept, this Plan or something very near it must be adopted, and the Persons, who carry it into Execution, supported steadily both by the Company and by Parliament.

Two Favours I presume to ask your Lordship, as the only Acknowledgement I desire of the unwearied Industry, with which I have applied myself to the Discharge of my Duty ; and I ask them, not for myself, but in behalf of a falling Empire. The first is, that the Plan may not

be submitted to the Judgement of Men, who either have nothing but Money in their Heads, or whose Interest it may be to establish an Opinion that Bengal is not yet exhausted. The second is, that it may not be rejected at the first Glance, nor without a candid and serious Consideration.

Endorsed "Recd. Aug. 22nd 1776 with a Plan for the future Settlement of the Country".

(P.R.O. T. 49/12, No. 1.)

No. 14*b*. *Francis to Henry Strachey. Calcutta,* 22nd Jan. 1776.

[Encloses Papers.] . . . I presume we were sent into this Country to collect Materials for the solid foundation of a future Settlement; otherwise I know not for what good Purpose we were appointed. I am weary of hunting Vermin, particularly as this miserable Chase diverts us from Pursuits of infinitely greater Use and Importance. It is time that Something should be proposed for a permanent Settlement of the Country. For my Part I would begin by giving it a Government. There is no Establishment here at present which deserves that Name. My Plan goes home by this Ship to the Court of Directors and to the Minister, who, I hope, will either consider it himself, or refer it to the judgement of Men, whose Intellects are a little higher than the Standard of a Rupee. I think it provides for every Interest, that can be obtained consistently with an Object, which never has been thought of, I mean *Duration*. . . .

Dundas
Wedderburn

[Asks him to shew the plan to Mr. Becker and to the Solicitor-General. "If the latter", he remarks, "would favour me so much as to look into the Scheme, a Glance of his Eye would make him Master of the whole, and his Countenance and Authority, would supply the Place of Interest and Patronage, of which I have None." Also to be shewn to Ellis, D'Oyly and Barrington.] In short, they who love me, will support the Plan for my Credit; they who understand the Subject and wish well to Bengal, or to the East India Company, or to the Nation will adopt it for better Reasons. The Determination ought to be speedy, for the Country is perishing and our Means fail us every Day.

Col. Monson has seen and carefully considered the Plan. He was ready to sign his Name to it with General Clavering and to send it Home with their strong united Testimony in its Favour. General Clavering desires Time to examine it more attentively. . . . Supposing it to be adopted, the next Question is by whom shall it be carried into Execution. If in a few Months the Government should devolve to General Clavering, as he expects, he must make all his Preparations in the course of the present Year, and apply himself to it heartily, which I fear none of us are inclined to do, when the Scheme is not our own. . . . I have now done everything that depends on me, to forward the Views of Government in sending us hither, supposing their Views to be just and rational; and am ready to vindicate every Part of my public Conduct, whenever I may be called upon to do so. It is possible I may be recalled. If so, I shall not complain that the Minister is not *my* friend, but I shall seriously lament the Consequences, which, I think, must unavoidably flow from such a Resolution (not as it relates to me in Particular) to this Country; to England, perhaps to himself. Whatever may now be determined, the

Time will come (and remember my Prediction) when I shall be solicited to return.

. . . The Labour of the Day has fallen pretty heavily upon me, without a View to interest or Prospect of Advantage of any Kind. General Clavering will be Governor, Col. Monson, Commander-in-chief. I am content that *my* Conduct should stand clear of the Possibility of Suspicion. This is the best that can happen to me. The apparent Hazard on the other Side would probably have been considered by a more prudent Man than myself. But the Die is thrown and I think I can meet almost any Decision with Indifference.

(Francis MSS. No. 49.)

No. 14c. *Francis to C. D'Oyly. Calcutta,* 22nd Jan. 1776.

. . . Mr. Strachey will communicate to you some Papers of Importance [Revenue Plan]. Give them a serious Perusal and if possible, obtain Mr. Wedderburn's Concurrence. The Plan, I know is right on Principle, and I am much mistaken if it be not above the common Rank of Composition. It is plain and simple. There must be no Tricks or Refinements in forming or restoring the Constitution of an Empire. In short, it is the deliberate Result of all the Inquiry, Observation and Judgement that my Head is capable of. It will stand the Test of everything, but Avarice and Ignorance. I cannot provide for the insatiable Demands of the One, nor will I waste my Understanding in arguing with the other. I feel the strongest internal Conviction, arising from something more than mere Argument, that this Plan will either be the source of Happiness to future Ages, or a perpetual Monument of Repentance. . . .

. . . I could give you fine Histories of the state of Parties here, and the Characters of the Chief Partisans—*mais le jeu ne vaut pas la Chandelle.* I am wearied out. If Hastings expected to stay, I think he would not have parted with George Vansittart, who goes Home in this Ship. I wish you would inquire and tell me in what dirty Corner of Westminster Hall these cursed Judges were picked up.

I have no personal Quarrel with any of them, but assuredly they are driving hard to the Destruction of the Country. It was a pleasant Idea to give a Nation a Court of Judicature, before you gave them a Constitution. I see a Number of Streams, but no Fountain. I see Laws without a Sovereign. Does any Man in England know, or think it worth his while to inquire, *who is King of Bengal* ? I believe not. Yet, tho' a Matter of Indifference among you great Politicians at a Distance, it is really a Question of some little Moment to us, who pretend to be a Government and are now and then obliged to act as if we were so. . . .

I wish it were possible to have the Plan communicated to Mr. Thomas Pitt. I have been bred up with a Prejudice that he is as great a Man as any Man can be, who only speculates. The inclosed copy of a letter, I wrote General Clavering when I sent him the Plan, will explain to you the main Principles on which it proceeds, and also shew you that my Conduct to him is fair and liberal.

(Francis MSS. No. 36, pp. 319-22.)

No. 14*d*. *Francis to Lord Clive* (*the 2nd*). *Calcutta*, 21st Aug. 1776.

I am to acknowledge the Honour of your Lordship's Letter of the 31st Oct. 1775. It is not easy for me to express in proper Terms the Sense I have of the distinguished Politeness and Attention, with which you offer me the honour of your Friendship. I beg to be considered as a Man attached to your Lordship and to your Family by every Tie that ought to bind an honourable disinterested Mind. Until I have the Happiness of being better known to you personally, there are some Men whose Opinion has Weight with you, who, I am sure, will answer to you for the sincerity of this Declaration. Hereafter I shall have the greatest Pleasure in improving and extending the Ground, which their Partiality and Lady Clive's Recommendation have already obtained for me in your good Opinion.

My late Letters to Mr. Strachey, particularly those of Jan. last, will give your Lordship the clearest Idea, which I have been able to form of the actual State of this Country and of the Measures which ought to be taken to recover it from a manifest and rapid Decline. I fear it has hitherto been considered rather as a Property than a Dominion, and that the Views of the governing Power have had but little Relation to the real Duties of a Government. When once the Acquisition of the greatest possible Profit is admitted and profest as the *first* Object of the ruling Power, it is not likely that any other should be seriously attended to. When the constant Question before a pretended Council of State is how much the Subject can pay, or, in plainer Words, how much can be extorted from him, it is not likely that his Happiness or Ease should be considered, or that even his Rights should be regarded. The Objects in fact are incompatible. Yet this has been in Truth the Spring and Principle of almost all those Operations in Bengal, which for some Years past, have been much too honourably qualified as the Measures of a Government. The Representations I have repeatedly made on this Subject, will not I fear be immediately attended to at Home, for a Reason of Fact, which by no means warrants the Conclusion drawn from it. They hear we have a flowing Treasury, and they conclude that the Country flourishes. They do not distinguish the last Strain and Effort of a great but languishing Body from its real Health and Vigour. They do not distinguish accidental from permanent Resources. In short, to speak plainly and confidentially to your Lordship, it appears to me, that as long as an immoderate Investment goes home, no Matter of what Quality nor by what Means procured, they neither know nor care what the internal Condition of the Country may be, or how long it is likely to hold together. A very few Years more, will, I am confident, bring these Questions before the Nation in their true Point of View. You, my Lord, have on many Accounts, a greater personal Interest in the discussion of them, than perhaps any other Man in Britain. It is therefore of the utmost Consequence to yourself, and to the Nation, that your first Ideas of the reciprocal Interests of Britain and Bengal should be founded on just and enlarged Principles of Policy, that you should separate those Arrangements of Detail, which have Nothing but immediate Profit for their Object, from those which unite the Permanence with the Profit of the Acquisition and which consider the Prosperity of the acquired Dominion as the true and only Source

of a lasting advantage to the governing Power. Be assured, my Lord, that Reasonings drawn from such Principles will never mislead you.

The first of all those Principles, which I would wish to impress upon your Mind, is that the Revenue of a conquered Province, especially, if situated at an immense Distance from the seat of Empire, should be as low as the necessary Services of Government will any way admit and that it be unalterably fixed forever. The Disadvantages, inseparable from a state of Vassalage, are so great, that Nothing but the greatest Tenderness in the Rulers can possibly preserve the Object. This Proposition I state to your Lordship, as the Condition *sine quâ non* of the future Recovery of Bengal, and I intreat you to carry it along with you in all your Inquiries upon the Subject. The whole Argument is set forth at large in the plan for a Settlement which Mr. Strachey will communicate to you. I have gone thus far in obedience to your Lordship's Commands and at all times shall be happy to assist your Inquiries by every Information that it may be in my Power to give you. Permit me only to add that in this and every other Subject of human Knowledge you cannot take your departure from Principles too plain and simple. Refinements and Systems are the Ruin of Truth in Speculation. But when once they are introduced into the Government of Nations, they are sure to produce more mischief than almost any Operation of a direct arbitrary Power united in one Hand. . . .

I shall make use of the Liberty you allow me of now and then troubling you with a Letter on Indian Affairs. Your Attention cannot be turned to a more important Subject nor to one in which you are so well intitled by your Rank and Connections to take a public Lead. You have a Name to support, which is revered in India, and I have no doubt that there is a powerful Party of your Father's Friends who will be ready to unite and act under you, whenever they see you resolved to assume the Character of their Chief, which justly and naturally belongs to you. In whatever way my services may contribute to promote these Views, I shall be happy to be employed.

(Francis MSS. No. 36, pp. 624-33.)

No. 15.—Francis on his Relations with General Clavering

To C. D'Oyly. Calcutta, 1st Mar. 1776.

. . . Considering my Rank in this Council, and the real Consequence which my own Industry has given me here, it would be equally unwise and dishonourable, not to say dangerous, to suffer any Man to assume the absolute direction of my Opinions. Our late Proceedings will enable you to judge how far General Clavering is fit to take this, or any Lead, in the Conduct of great Affairs.

[Desires him to shew enclosed papers to Strachey and Becker "that there may be somebody at the India House apprised of the true State of the Argument".] It would also, I conceive, be very proper that my Lord North should be possessed of the facts, that his Mind may be guarded against false Impressions. . . . Remember that my Honour, perhaps my Safety are in your Hands, and that, when these are in question, no personal Respects should be regarded. General Clavering's Purpose is to make me responsible for the event of Colonel Upton's Negotiations, and for the

possible Continuance of the War with the Marattas. You will see with what Justice.

To state the whole of my Argument in the public Records here as I at first intended, would make the Breach between us irreparable, and be highly injurious to the common Cause. Yet, if some Care be not taken, the Temper and Moderation of my Conduct may be turned against me. I foresee that it will be impossible for us ever to act cordially together; yet I could wish to retire without a public Rupture. The Necessity of perpetual Explanation and Defence is too odious to be endured.

If the Government should devolve to General Clavering, as I presume it will, my Intention is to write Home by the last Ship of the next Season, to solicit my immediate Recall; so that, barring Accidents, you will see me in England in the Winter of 1778. In the meantime, he shall have all the Assistance I am able to give him; and, in that Period, it is to be hoped, the Country will be settled, if ever. This is the utmost my Patience can submit to. No Price can reward me for enduring this Situation so long. I mean to relinquish my Post on the score of Health or some other Pretence, amicably if possible, and without Complaint. An extraordinary Stroke of Fortune has made me independent. . . . If Mr. Hastings remains in the Government, I shall consider it as an implicit condemnation of our Conduct, and withdraw from all farther Opposition. If General Clavering be Governor, I shall endeavour to arm myself with Patience, until I can honourably take my Leave of him forever. Till then I must be content to pull the Devil by the Tail. This is hard Work, my friend, considering all that I have already gone thro'. . . . I have Friends enough in the City, who would gladly support my Cause at the India House, and I fancy some of the Directors are well enough disposed to cavil with General Clavering. But this is not my Object. All I desire is that some of them may be sufficiently possessed of the Argument to prevent any Injustice being done me in their general Letter, where they may take Notice of these Transactions. Thus far you have the State of our Maratta Politics before you, up to the 5th of this month. Every day now produces some Change in our Circumstances or Expectations, but all leading inevitably to War. The Question of War or Peace must have been decided about the 7th February on the other Side of Indostan, so that all our late Debates are mere Moonshine with reference to this Object. On the 5th we received a Letter from Colonel Upton advising us of his Intention to relinquish Bassein, of his own Authority, but to adhere to Salsette; without however expressing any Hope of being able to conclude even on these terms. . . . The whole Tenor of Colonel Upton's Conduct is so weak and pitiful that nothing but the General's avowed Patronage and Protection could have saved him. I went to Council with a determined Plan not to give my casting Voice for War, if General Clavering and Colonel Monson had declared for *Peace on any Terms*:—I stated my Opinion but reserved my Vote; with an Intention to declare that I would never undertake a War with a divided Council, and especially against the Sense of the Executive Officer in the Military Line. In the Scale of Peace, his Voice is Particularly weighty. At the same time, as he had on a former Occasion, endeavoured to make me answerable for the Consequences of a dangerous War, I should now make him answerable for those of a dishonourable Peace; and so have fixed the Measure upon him. These

are not mere Words. In this Country particularly they have a most important Meaning. The British Influence in India is founded much more on Reputation than real Strength. To an Indian Ear, *Moderation and Justice* signify nothing but *Terror and Weakness*. The Surrender of Salsette (for Bassein is out of the Question) setting aside all other Considerations, would I am convinced have shaken our Empire. The General and Col. Monson were aware of this Truth, and did not dare to propose the Measure. If they had, it would have been carried. For once therefore, we were all agreed. Considering General Clavering's late Conduct to me, my Plan of Action would have been strictly justifiable. Supposing a Peace to have been resolved on in Consequence, *I* should have had all the Advantage of the Measure, and left all the Dishonour of it to himself.

On the 7th another Letter arrived, advising us that the Negotiation was broken off, and that Colonel Upton was to leave Poona about the middle of last Month. Presuming that Hostilities are renewed, we have no Alternative left, but to pursue them with Vigour; and here too we were unanimous. Col. Monson is woefully nervous, and professes to dread the event or protraction of a War, which yet he knows is unavoidable. The General professes a little more Resolution: and here am I, harassed between two of the bravest Men in the World without any Atom of political Courage in either of them. With respect to General Clavering, his grand Fear is that the Government should devolve to him saddled with a War. For ought I can see, he is determined to provide for his own Ease at all events, and not hazard Innovations of any kind. His Eyes are opened by the Prospect of the Succession; and, excepting that he will not take Money, I am greatly mistaken if he does not tread exactly in the Steps of his Predecessors; that is, the Devil take the hindmost.

There is another great Point, on which General Clavering and I have totally disagreed from the first, and in which I think my Conduct entitles me to some Merit with the Minister. We three should undoubtedly consider ourselves as the Representatives of Government deputed to act generally for the Nation; in contradistinction to Mr. Hastings and Mr. Barwell, who may be supposed to act for the Company, tho' in fact they are the greatest Enemies of that Interest. The State of the Bonded Debt, amounting to about 110 Lacks of Rupees, was taken up soon after our Arrival. The Question was whether we should begin our Operations with reducing the Interest upon the whole Debt from eight to five per cent, and so proceed gradually to a Reduction of the Principal, or attempt the absolute Discharge of the whole. My Argument, in favour of the former Plan, was necessarily confined to general Topics, and the Company's Advantage, as the governing Power of the Country. On this Ground, the Reasoning was sufficiently strong. My Situation would not permit me to use one Argument, which, with *us* at least, ought to have been decisive against a total Discharge of the Debt. Supposing the territorial Acquisitions to be assumed by Government at the end of the Charter, the Company will have got free of a Debt (which they themselves acknowledge to have been incurred for the Provision of their Investment) at the Expense of a Territory, which, by this Plan, will come into the Hands of Government so incumbered with Debts, for which the Revenues are properly answerable, as perhaps not to be worth accepting. In my Sense, there could not be a grosser Error, considering who General Clavering is, and

for what Purpose he was sent. In this Instance he joined obstinately with Mr. Hastings, in spite of every Argument, Solicitation, and even personal Request, that I could urge to him. If he did not understand the Question as a Financier, he should at least have recollected that he is a Servant of the Crown. The Bonded Debt once paid off, it is manifestly the Interest of the Company, *quâtinus Company*, to resign the Territory, if they can secure a reserved Pension equal to their Investment, and to the Expense of their Commercial Establishments. But is it for the Interest of Government to take it ? As Government and setting aside the Power of providing for Individuals (which perhaps may be all that either the Ministry or the Court of Directors think of) I positively and deliberately say, *No* ; yet they *must* take it, because the Country must not be lost to the Nation, which, in the present Course of Things, will infallibly happen—that is, the Country will be unable to bear its Expenses, and then, I say, it is lost, or worse than lost, to the Nation. My Lord North ought to be possessed of this Argument ; but it must be conveyed to him with Discretion, lest I should lose Credit in the City. My Situation is too precarious and unsupported to permit me to run the Risk of making Enemies. If Mr. Wedderburn would be my Friend in this Matter, he knows how to represent it much better than I can. I feel every Day the cruel Disadvantage I have laboured under all my Life, of never keeping Company with Men of superior Talents and Knowledge. It would have saved me many a weary Step, and carried me much farther than my own Industry and Resources will ever enable me to proceed.

This is the last Ship of the Season, and I think we have now closed our Operations against Mr. Hastings. This Paper War has been continued much too long, and woefully against *my* Inclination. The inclosed is a copy of the last polemical Minute I will ever write against him or his Administration. From this Specimen you may form an Idea of the Rest. It is Milk and Honey compared to some others. With such a Cause as he had to defend, he has made a surprising Battle. In a party View nothing could be so weak as our Conduct in obliging him and the Judges to make common Cause. But Impey got the Precedence of us by Stealth ; *Hinc Lacrymae* :—not mine. I declined engaging in the Quarrel until I saw plainly that they were extending their Jurisdiction, not only beyond all lawful, but all safe and reasonable Limits—*ut ante—hâc flagitiis, ita nunc legibus laboratur.*

(Francis MSS. No. 49.)

Nos. 16.—Further Letters of Francis on the Situation in May–August 1776

No. 16*a*. *Francis to C. D'Oyly.* *Calcutta*, 13th July 1776.

. . . It is fit that my Friends in England, if I have any, should know something of the real Condition of Affairs here, and of my future Intentions, tho' the latter cannot be absolutely determined until an ultimate Decision shall come from Home, with respect to the future Arrangement of this Government. Before I go farther into the Subject, let me acknowledge and thank you for your letter of the 15th Dec. last. Neither this nor any other out of my many Letters, is explicit upon the single Point, which to

me is the most material of all—the Propriety of my own Conduct. No Man tells me fairly, whether I ought to persevere in the course I had begun or turn into another Line. Upon the whole, however, it requires but little Sagacity to perceive, that greater Moderation and a Compliance with tho System we found established here would have given more general Satisfaction in England. The King's Servants have Difficulties to contend with in another Quarter, with which we were unacquainted ; and truly I am as little pleased as they can be at the Share, I may have unfortunately had in adding to their Embarrassments, tho' hitherto they do not seem to have been much affected by them. My own particular Friends, I see, would have been full as well satisfied with the Prudence of my Conduct, if it had been directed, more attentively than it has been, to the care of my Fortune. The rest of the political World, as far as I can judge, tho' they dare not condemn are very unwilling to approve. In revenge for an Approbation of our public Measures, extorted by Reason irresistible, everything is done that could be expected to disgrace and mortify us as Individuals. Colonel Monson is plainly sacrificed. Mackrabie's Fate shews what I am to expect ; and *I* am much mistaken if General Clavering's Turn does not come next unless a secret separate Support, of which I have some Suspicion, be strong enough to exempt him from the common Calamity of his Friends, and to defend him against a greater Weight of personal Calamity than I believe was ever united against one Man. My Share in the Opposition to Mr. Hastings' Measures (that Part, I mean, in which I took the Lead) has ended most honourably for us. Without the Support of any Interest whatsoever at Home, my Representatiens of the Rohilla War have fairly carried us through that Business. On that Score my Colleagues cannot reproach me with involving them in a rash unsuccessful Measure. I fear they will find it difficult to balance the Account with me. (Macrabie's Nomination, the Minister's Defeat, and Mr. Robinson's Apologies, are all a mere Mockery. . . .) Perhaps the Appointment may come of itself. I have a Hold on this Country which none of them can shake. Hereafter it may possibly be a question not for what Reasons I should be recalled, but by what Arguments or Solicitations I may be prevailed on to remain. On this Head, without Ostentation, you cannot speak too firmly for me.

The Answers to our Letters by the Anson and Northumberland, will probably not reach us these three Months. In the meantime, General Clavering perseveres exactly in the same course, by which in Effect he is Governour as long as I concur in it. Monson is full of Resentment and I am convinced would gladly seize the first Pretence of leaving us, if it were not for the Disturbances in America. Until these are settled I imagine he thinks it better upon the whole to stay where he is, than run the Risk of being sent upon Service with his Regiment. The Part I take at present is moderate and guarded to the last Degree. I will no longer expose myself to the real effective Enmity of Individuals for the sake of that imaginary Being, the India Company, represented by a popular Assembly in one Court and a fluctuating Direction in another. This is the Conduct I shall carefully observe until I know with Certainty what I am to depend on. Hereafter you shall know some personal Particulars which cannot safely be trusted to Paper. . . .

On the other Side, Mr. Barwell since the Receipt of some Hints from

England, seldom attends the Council, sometimes divides against Hastings and endeavours to affect Mediation ; in other Words, I imagine he would be glad to keep his Place at any rate ; and as Men and Things are totally indifferent to him, Hastings has but one Hold upon Him. In England much Pains have been taken to puff him as a Man of Abilities. Nothing can be farther from the Truth ; except I should hear his good Qualities talked of. Even Hastings is a Saint to him, and yet I declare to you most solemnly, I have no personal Dislike to either of them. In private life, they are easy to live with, and tho' rapacious, by no means avaricious. To carry political Points, they never spare their Money. Since the condemnation of the Rohilla War, Mr. Hastings renounces the Court of Directors and all their Works. He never speaks of them without the bitterest Expressions of Contempt and Resentment. To what future Measures this apparently unguarded Language leads, I cannot at present judge ; but in so artful a Man, I cannot attribute it entirely to Passion. . . .

If Mr. Hastings be left in the Government, I shall acquiesce, and give him no farther Opposition, provided no very extraordinary Innovations are attempted ; and these I think he will avoid for his own Sake. It will be my Duty, in every Sense, either to take this Part or to retire. Some important Measures must shortly be taken for the Settlement of the Country, and at any rate Government must go on. The Man who stands first ought to lead ; properly speaking there is no Government at present, and, if fatal Consequences follow, every one of us will find Pretences for exculpating himself at the expense of his Neighbour. The Situation we have hitherto been in has been forced and unnatural, nor, if my Voice avails anything, shall it continue. But, as the Confirmation of Mr. Hastings, will in some sort be a Condemnation of those who have opposed him, I shall consider myself as at Liberty to leave him, if I think proper in the full Possession and Exercise of the Power which ought to be annexed to his Station.

The sending out a new Governour from England will be a hazardous Measure in many Respects. Much will depend on his Rank, Character and Abilities ; but let him be what he may you may assure those who send him that, for the space of one Year at least, he shall have every Light, Assistance and Support, that it may be in my Power to give him. This I consider as a public Duty, superior to every Idea of Pique or Resentment, which the Appearance of an undeserved supersession generally gives Birth to. After that, I shall hope to be received with a good Countenance at Home, especially as I shall never trouble the Ministry for any other Mark of Favour.

If two Members should be added to the Council, which I understand has been talked of in England, tho' it appears to me a very weak and useless Measure, I shall still acquiesce, as in the first Case, in Mr. Hastings's Administration, reserving to myself the same Liberty of retiring or continuing here as I may think proper.

If, in the last supposable Case, the Government should devolve to General Clavering and the command of the Army to Colonel Monson, as they justly and naturally ought, I shall assuredly give my Friends a zealous and hearty Support, as long as it may be possible for me to endure this pernicious Climate. I hope then to be dismissed with Thanks and Kindness, and that in Time and Place, it may be remembered that I had

some share in the Risk, in the Labour and in the Victory, tho' none in the Reward. In this last Case, you will probably see me in England about the end of the Year 1778, and as to my Reception, I shall carry Home a Stock of Indifference to enable me to bear it, whatever it may be. I cannot suppose any other Arrangement. . . .

(Francis MSS. No. 36, pp. 565-76.)

No. 16*b*. *Francis to C. D'Oyly. Calcutta*, 7th Aug. 1776.

Since closing my long Letter of the 13th of last Month, Mackenzie is arrived here, and has furnished me with many useful Explanations. I understand my Ground much better than I did; but I see nothing to alter the Resolutions I have already expressed to you unless the Government of Bengal should appear attainable, which for my own Part, I think it is. If not, I conceive that Means might be found to open to me the Government of Madras. If I am superseded here by an Appointment from Home, and if I submit with a good Grace to a Measure, which I might with Justice complain of, and might, with greater Ease than they are aware of, render very distressing to the Person appointed, some Compensation, I presume, will be thought reasonable and proper to be made to me. I beg of you to consult with the Solicitor-General, and Mr. Strachey, on this important Point, and that you will not be languid in it. I hereby give you full Power to answer for me to all that Party.

(Francis MSS. No. 36, p. 579.)

No. 16*c*. *Francis to A. Wedderburn. Calcutta*, 7th Aug. 1776.

. . . It has been industriously circulated in England by Men, who are not likely to wish me well, and too readily admitted by Others who are partial to me, that not only the Joint Representations sent to England by General Clavering, Colonel Monson and myself are drawn up by me, but that I am the leader of the Opposition to Mr. Hastings, and possess a predominant Influence over the Minds of my Colleagues. If the Facts were well founded they are not such as a prudent Man for many obvious Reasons would deem a proper Subject of Ostentation. The Precedence implied by it does not belong to my Age, rank in Life or Station in the Council; least of all does it correspond with my Temper and Inclination. But if the supposed Facts are *not* true, if as I most solemnly assure you, there are no Men better qualified than General Clavering and Colonel Monson to judge for themselves, nor less likely to suffer others to judge for them, you, Sir, who know Mankind and the Hazards to which every eminent political Situation is exposed, will not wish to see an Opinion established, which concludes from a supposed Power to a real Responsibility, and exposes me alone to the personal Enmity of every Individual, whose interests or Passions may be thwarted by our joint Operations. I am ready to meet the Consequence of those Measures on equal Terms with my Colleagues, but no Man who knows the Hazard would wish to engross the Credit, that may attend them.

To you alone, Sir, I will give some farther Explanations on this Subject. The Plan of that Argument on which we attacked the Rohilla War was mine; the Sentiments which the Court of Directors themselves say,

cannot be too highly applauded, were mine. The Lines of that general Plan of Policy which has extorted a distinguished Approbation from Men not very partial to us, were drawn by me. The Defence of our Conduct in this Instance has silenced our Enemies ; and our Friends, I presume, must have thought it invulnerable, or they would not have rested our Cause so intirely as they have done, on its internal Merits. The Minutes dated in March and April, which went home by the Anson were not written by me ; almost all the Arguments in the Disputes with the Judges about the Nabob's Vacqueel, except one of the 29th July 1775, were drawn up by Col. Monson. The Measure of appealing to the King's Ministers against the Court of Judicature was urged by General Clavering. If I am allowed that Share in each of these several Resolutions to which my Assent to them intitles me, I claim no more. The most advantageous Articles of the Treaty of Fyzabad were insisted on by me, and I am content that the Treaty should be left to defend itself. The Embassy to Poonah was recommended by General Clavering. The Ambassador was of his Nomination. By the Proceedings of February last it will appear that my Submission to his Judgement is not invariable or implicit. In the ordinary course of Business he takes the Lead, which naturally belongs to him, and, tho' we sometimes differ, you will know, that men, once engaged to act together, have a Right to expect Compliance from each other, in Questions not essentially of Moment. Without it, the general Objects of their Union, could not possibly be obtained.

Explanations of this delicate Nature can never reach the Public. Taking the whole of our Measures in one View, it is in no Sense my Interest or my Wish to be distinguished from General Clavering and Col. Monson :— but that our respective Merits, whatever they are, may be consolidated, and that we may stand or fall together. If the Cabals of the India House —if a secret Agency of more than one express Deputation to England, and the malignity of private Letters dictated by the immediate Resentments of men who had every Interest at stake, are powerful enough to outweigh the Credit of Men, who had evidently no Cause to maintain but that of the Public ;—who, to this Cause have sacrificed such unlimited views of Fortune, as no other public Station offers ;—I see the extent of my Misfortune in being sent into this Country ;—but it will come unattended with Dishonour. I see we were mistaken in conceiving that the Purpose of our Appointment was implied in the Appointment itself. On this single Question we may perhaps hereafter desire an Explanation.

The other Point, to which I intreat you to give another Minute of your Attention, touches me more sensibly than I believe any political Disputes or Interests ever will do. I am accused of disregard of my Father's Obligation to Lord Bute, and of my own voluntary Engagements to serve Mr. F. Stuart. Considering the Station I have the Honour of holding, there is not in this country, nor perhaps in any other, in point of Interest so defenceless a Man as I am. At the same time, I know my Strength here and the Difficulty of shaking it. I feel My Lord Bute's Displeasure as a Reproach, and in that Sense alone am anxious to remove the Appearance of deserving it. Let the Question be tried by undisputed Facts ; and if it be possible, let neither personal Disappointment nor the Zeal of Party, have a Share in representing them.

Before our Arrival in Bengal, our determination to support Mr.

Hastings's Government was clear and unquestionable. They little know Bengal, who think that we consulted our Interest in adopting another System. We saw at the first Glance the impossibility of adhering to that Determination without a Sacrifice of the Trust reposed in us. In Point of Prudence we had Reason to be alarmed at the Consequences, to which we, more than any other Men, might be exposed, by embarking in a Cause, which could only be supported, as it had been by gross Misrepresentations and Concealments. Considering the Nature of our Appointment, and the Curiosity and Expectation with which our Conduct was likely to be observed, a Union with Mr. Hastings would have been a hazardous Measure, even to men, who might not be scrupulous enough to be stopped by any Consideration but Danger.

Such were the Ideas that decided us against every Temptation of Fortune, immediate and unlimited, to act the public Part we have done. The Rectitude of our Conduct is not the present Question. The Council was divided into Parties which threatened nothing less than Disgrace and Ruin to each other. Wounds were received on both Sides which probably could never be forgiven. In this Situation let it be supposed, and I believe it to be the Truth, that Mr. Stuart stood first in the Confidence of Mr. Hastings and Mr. Barwell. He had negotiated their Reconciliation, and continued to act as a Mediator between them. Whether private Friendship or any other Motives engaged him in these Connections, it is not for me to blame his Conduct. The Question, on which I submit myself to your impartial Judgement, is whether we could give the most important and Confidential Post under our Government to a Man, who, consistently with his actual Engagements, could never be our Friend. I know it has been suggested that my separate Vote was expected in favour of Mr. Stuart; but I will not answer a Supposition which does me so much Dishonour. On one Article in the Transaction before you, I must request your Credit to an unsupported Assertion;—that Mr. Bristow's Preferment had no Share in the Exclusion of Mr. Stuart. He was not thought of, until several other Names had been canvassed. A Detail of trifling Circumstances, many of which have escaped me, would be necessary to clear me of the Charge of failing in personal Attention to Mr. Stuart. If Recrimination were a Defence, I would not make use of it on this Occasion, because I doubt not he will himself, at some future Period, see these Matters in a different Light. Perhaps we misunderstood one another; perhaps neither of us made sufficient Allowance for the coldness and distrust, which political Contests never fail to introduce into private Life. These Considerations will weigh with Men, who stand at a Distance from the Scene of Hostility and are not heated by the Passions of the contending Parties. They will weigh with Mr. Stuart himself hereafter. But I fear I have intruded too long upon your Patience. The Cause, in which I wish to engage you, is interesting to nobody but myself, and I perhaps measure its Importance too much by my own Sensations. Your better Judgement will determine for me whether anything in this Letter is fit to be insisted on or ought to be suppressed.

(Francis MSS. No. 36, pp. 585-606.)

Nos. 17.—Intelligence from Home received August 1776

No. 17*a*. *Copy of a Letter from General Fraser to J. Bristow. London,* 12th Jan. 1776.

I am much obliged to you for two long Letters, of which I made the best use I could for your Service. The Account you gave of the Country and its Affairs ; and the Manner of stating it must necessarily convey an Idea of you as a Man of Business very well informed, and therefore I read several Parts of your Letters to Lord North, and Lord Suffolk, and some others, whose good Opinion might be of Service to you, and you may always trust my Discretion, that whatever Information you give me shall never be communicated except where a partial Communication may be serviceable to you. I easily and immediately discovered, that the Confirmation of your Nomination must depend upon the Fate of those who named you, that is upon Administration here approving of the Conduct of your three Friends in Opposition to Governor Hastings, and dining at Lord North's House in the Country a few Days after I received your Letter, I was very happy to find that the Conduct of your Friends, was in general approved and that they were considered to act upon honest and honourable Principles ; altho' it was, at the same Time, thought they might have acted with less Precipitation and more Moderation ; you wil find, from the Dispatches since sent over, that the Disposition at the India House about that Time was to approve of what had been done by the three Gentlemen from hence, in regard to the Rohilla War and other Things ; but to approve of it in such a Way as not to throw any Slur or Blame on Governor Hastings, who had a strong Party here ; in short, they thought well of them and of him too ; they approved of Parts and disapproved of other Parts in the Conduct of both Parties and they meant to send such Dispatches, as should not revolt the Pride of either, so as to induce them to quit the Service ; but, on the Contrary, should induce them to a Reconciliation and to carry on the Service together amicably ; and supposing People here Right in their Idea of Mr. Hastings, this was not an improper Plan. In regard to you, this Plan gave present Security to your Nomination, as the three Gentlemen were approved of in their Opinion of the Rohilla War and its Consequences, and the only Thing, that could endanger you, was the Interest of your Competitor Mr. Stewart —Lord Bute takes no Part in public Affairs, and is generally supposed to have no intercourse with the King or His Ministers for many Years ; there are Persons, however, who think this is only outward Appearance and that there is still a secret Intelligence ; be this as it may, it is certain that he carries great Weight in any Point ; many have been obliged to him when in Power : others believe him still to have a secret Influence, his Brother and his Son Lord Mountstewart have a great Share of Consideration ; and, upon the Whole, I thought it of Consequence to prevent if possible an Interference from that Quarter, and I was lucky enough to succeed. Lord Mountstewart had declared at first that the Family was resolved to push with all their Might Mr. Stewart's Appointment to your Employment ; but it happened that I had an Opportunity of doing what was well taken by the Family ; for, being appointed to raise a Regiment of 2000 Men, I proposed Lord Bute's Son Charles for Major, and when I

spoke to Lord Mountstewart about your Affair, after consulting with his Father and Brother, he told me they could not think of contending with a Person so nearly connected with me, especially in a Matter of doubtful Success if they were to push it; and Frederick Stewart assured me six months ago that he would not be a Competitor against you; he, at the same time, spoke very handsomely of you and desired me, when I wrote, to tell you that he wished and hoped to have your Friendship in future; he is at Present upon another Pursuit and is to come into Parliament immediately in Place of his Brother-in-law, Sir George Macartney. The later Accounts from India promise Permanency to your Appointment, in so far as they seem to decide the Question between your Friends and Governor Hastings; his Party here however, still support him. You may imagine their Defence is a denial of the Charge and a Representation of Nuncomar and the others brought to prove it as infamous Characters; and unless, their Evidence is supported by more creditable Witnesses, or by Circumstances that will carry Conviction, People in general here will not be convinced; for my own Part, I am persuaded that will be the Case, because my Opinion of Mr. Francis leads me to believe he would not go so far without a moral Certainty of carrying it to Conviction. You are very happy in having acquired Mr. Francis's Friendship. The Accounts he wrote Home of you were flattering in the highest Degree, and tho' you owe it to yourself, all your Friends here feel the Obligation very strongly; they are all perfectly satisfied, that you owe everything to him, and I can assure you, there is nothing possible that one and all of your Relations and Friends will not seek every Opportunity of doing to shew the Sense they have of the Obligation to him. . . .

(Francis MSS. No. 36, pp. 303-11.)

No. 17*b*. *H. Strachey to Francis. Park Street,* 14th Dec. 1775.

. . . I wish you had sent to somebody or other, Copies of more Consultations that we might have been Masters of the great Points that have been before you. When you found that Disputes were likely to run high, you should have transmitted a copy of every scrap of Paper,—a complete Copy of everything that was to be sent to the India House to Mrs. Francis, or to some prudent Friend in England, with Directions for particular Persons to be permitted to read them. By this Means, your Friends could at any time, be armed at all Points. The India House is not always accessible for such a general Scrutiny, and the Distance from this End of the Town, encreases the Difficulty. For my Part, I have only got a Sight of your joint Letter, and that from Hastings and Barwell. I mean that which came by the first Ships after your Arrival. Daylight cannot be clearer than that you three are right in the grand Point of the Rohilla War, and that the Governor's Arguments in support of his Measure, are flimsy and give room for heavy Suspicions. But I should have been glad to have examined the Consultations and traced all the Circumstances to which your Letter is such an admirable Index. I dont know, indeed that I could, with any knowledge of Records, have done much Service to the Cause; for all the powerful Men here have shewn a Disposition to support Hastings, couched in the Language of Conciliation, altho' they must be

certain that, after the Heat that has arisen in your Councils, Conciliation is utterly impossible. The Minister perhaps thought that America was as much as his Shoulders could bear. An Aversion from plunging into a clamorous Contest, with Friends of his own on both Sides, and the heartfelt Satisfaction of getting rid of Trouble for at least another year have, I doubt not, been the Motives for adopting the Ideas, which you find expressed in the General Letter. Some have argued that the Rohilla Expedition received the Censure of the Directors last year, and that they had no farther Business with it, unless Corruption had been discovered—that Corruption ought not to have been insinuated till Proofs were given —and that the Revenue and Commercial Branches have flourished so much under Hastings, as to give him Credit for both Integrity and Ability. For my Part, by a state I have accidentally seen, it appears to me that the Revenues have considerably diminished since Lord Clive's Time, and that the Diminution of actual Expenses contains Fallacy. I suppose the robbing the King of his 24 lacks (by which in Truth we hold our Right to the Duannee) is reckoned amongst the Articles of Economy. I wish you would at least send *me*, sometimes, a particular state of Receipts, Civil and Military Disbursements, Bond Debt etc., in Columns. Figures are obstinate Things, and speak more directly *ad hominem* than the most obvious logic of Words, which few People will take the Trouble of entering into.

I hope the Manner in which you have been treated will not provoke either of you to relinquish. You are at all events a Majority, which will be some Comfort in your Struggles. You will say that I talk like a man at ease by my own Fireside—very true—and yet I feel for you—but what Comfort can I transport to you ? Judge of the number of personal Friends you have in the Direction (and of the Minister's Weight too by and by) by the fate of the Ballot for Mr. Macraby's Appointment—only 4 Votes out of 24, altho' he was put in Nomination by the Chairman, and particularly patronised by Lord North. Monson's Lad shared the same Fate—Shameful ! When the three Supervisors who went out in the Aurora were appointed, the Directors readily gave each of them the Nomination of a Writer. . . .

As I know Mr. D'Oyly writes by this Packet, I need only say that he is well, and that he and I agree in Opinion upon Bengal Politics.

(Francis MSS. No. 36, pp. 295-7.)

No. 17c. *J. Robinson to Clavering, Monson and Francis.* 1st Feb. 1776.

An Account has just now been sent me from the India House that they propose in a few Hours, to dispatch their Packet for Bengal. Lord North is just going to St. James's, and will be engaged all this Day on publick Business. He is thereby prevented from writing to you as he intended ; and as such, directs me to acknowledge the Receipt of your Dispatches by the Anson. I have His Lordship's Directions to add thereto, that it is with great Satisfaction he receives the Accounts of the Attention, which you, Gentlemen, pay to the true Interests of the Company, and to the Establishment of such Conduct and Management of their Affairs, as can alone put and maintain them on a permanent Basis, from

which the Company and the Publick can receive solid Advantages. Your Measures meet with his entire Approbation ; and when founded on theso Principles, will ever have his warmest Support. The Publick too feel and approve them ; as yet they are not Masters of the Subject, nor indeed are your Friends fully so ; the authentic Documents and Records by the Anson not being yet arrived. They know, however, sufficient to applaud your Conduct, to approve your Zeal, and to respect the Abilities, Integrity and Firmness, with which those Men, in whom they had already placed such Confidence, pursue their real Interests, proceed to discover and remove Abuses, and to form plans for their future Welfare.

They rejoice to find their Confidence well placed, and they have the most flattering Hopes in the Success of a System, which some of them, with Shame, feel they opposed. The Publick receive with Concern the Accounts of the Conduct of Mr. Hastings and Mr. Barwell. They seem to suspend their Sentence, but yet, except a few, and those a very few indeed, they fear there already appears, in their Opinion, too great Ground for Censure. Inclined, however, to judge favourably of Men to whom the publick Voice had given Credit and Esteemation, they wish to hear their Defence and forbear to condemn, until the fullest Enquiry. In the Letter from the Court of Directors, I think you'll perceive these Sentiments. They avoid to say anything at present on the Charges of Corruption in receiving Money ; but I hope you will find the letting of the Farms, etc., in the gross and evasive Manner, which has been discovered, strongly reprehended and forbid. The assumed Power of dissolving the Council and the Measures taken to stifle the Enquiry, I trust you will find as fully disapproved ; and as, upon the Arrival of the Consultations and Records from Ireland, the most Serious Examination of all the Charges will be entered upon, I think you may expect a speedy Determination.

Permit me to present my sincerest Wishes to you Gentlemen, for Health and Happiness, for Success to your Endeavours and for a happy End to your Labours.

Endorsed "Recd. 30th Aug. 1776".

(Francis MSS. No. 36, pp. 327-30.)

No. 17*d*. *H. Strachey to Francis.* 1st Apr. 1776.

. . . My private Hope is that if these Gentlemen (H. and B.) are guilty, you will make out your Allegations by more respectable Proof than the Oath of Nuncomar, who is a notorious Rascal. Have you pursued the Scent at Oude ? The Treaty with Suja Dowla to conquer the poor Rohillas, smells rank, and may, I should think, be seen through in his Excellency's treasury Books. Your Honour and that of your Colleagues is deeply pledged to the Company and to the Nation, in this Business, and when you have completed the Detection all the abuse which you speak of will be converted into Praise. You have each of you, and all of you, strong and warm Friends, but those in Power will not decide upon the Article of Corruption without the most glaring Proofs. You may have transmitted such, but as I have read no Papers I cannot judge. This you may depend upon, that no Power on Earth can support Hastings in the Chair when Accounts come of his Conviction. And as you must be Certain that a new Arrangement must immediately follow such Accounts,

you should amongst you, consider of Men in India and in England whom you would wish to act with, and press the Ministry for their Appointment. If you do not take that Step be assured the office of Councillor will be jobbed here for the Benefits of some needy Member of Parliament or troublesome Patriot.

I dont like your Threats about leaving your Herculean Labours unfinished. The Event, if you add Perseverence to your Abilities and Diligence, cannot fail of establishing you high in England, and I hope your Salary will bear the Accumulation of some thousands a Year. Consider well, these items, Honour and Profit, before you take a Resolution to quit your Post. . . . There is no equal in my Wishes for your Honour, except that of my late great Friend [Clive]. Establish the Wisdom, the Policy, the Rectitude of his Government, and Justice herself shall show that he and you are equipoised in her immortal Scales. I gave you in Writing a faithful Abstract of every Measure of his Government. If you cannot form a better System, dare to recommend it as the best. . . . In the Furnace of your Disputes, take care of the *Revenues* and the *Investments*.—If they are consumed or neglected, the Proprietors will be clamorous. Hastings's only Support amongst them arises from his Flattery on those Points. Men say, our Treasury in Bengal is rich, our Warehouses at Home amply supplied, ergo Hastings is a Governor we ought to adore. This Reasoning is potent, and it is incumbent on you to stand the Test of it yourselves. Excuse me for prosing thus : I am an old India Politician and your Friend.

Pray keep Peace in the East, for we can neither afford you Men nor Ships.

(Francis MSS. No. 36, pp. 531-3.)

Nos. 18.—Francis and the Collapse of the Attack

No. 18*a*. *Francis to C. D'Oyly*. *Calcutta*, 21st Aug. 1776.

We now have Advices from England, as low down as the 25th May. The whole Transactions at the India House, of the 8th and 17th of that Month, appears to me a gross Juggle, by which we are in Effect abandoned. Hastings and Barwell are safe for a Twelvemonth at the Least and in my Opinion forever. General Clavering talked at first of persevering ; which in his Sense of Perseverance, I positively refused. He now sees our Situation much in the same Light that I do ; as you will perceive by the inclosed copy of a Note I received from him this Day. Col. Monson has been dangerously ill, and not able to attend Council these six weeks. He is now, as I hope, on the Recovery, but there is no likelihood of his ever being able to attend Business in this Country, and he has now formally communicated to us his Resolution to resign. You see my Situation. My Conduct shall be even and steady, but very moderate ; for in short, I will no longer sacrifice myself to a Cause, abandoned by those whom it concerns much more than myself, and in the Success of which I have no personal Interest whatsoever. The Principles on which I have acted, were deliberately assumed, they had no Relation to the Interest of any Individual, and let what will happen, I never will depart from them. But I will not embarrass myself with Acts, which have any other Object

but the support of Principles. General Clavering has a great Object before him, and great Power in Possession. I have the Labour—I have the Odium ;—but I neither have, nor can have any Share in the Reward. Thus differently circumstanced, I have no Title to expect that his Ideas should concur exactly with mine upon a future Plan of Action. That, with which I first set out, would, I think, have been successful, if it had been adhered to, that is, if we had confined our Attack to Hastings and Barwell, and held out an Amnesty to everybody else. By attempting to cover more Ground than we could defend, by supposing that Men are to be governed by mere Force without Management, by suffering ourselves to be involved in Disputes with the Judges, and by persecuting Individuals, we have lost Friends in all Quarters, and increased the Number of our Enemies *ad infinitum*. How all this has happened is not worth telling you. It may be the subject of future Conversation and I hope of Laughter ; for now I can laugh at anything.

In one of my latest Letters I gave you a Hint about the 82, 72, 80, 14, 70, 33, 32, 52, 19, 23, 37, 18, 78 [Government of Madras]. You will find Mr. W[edderburn] prepared on the Subject if he and you and the Clive Interest think proper to push it.

[Note enclosed from Clavering—" I have just received the enclosed from Col. Monson. The Contents do not surprise me ; for independently of the Consideration of his Health we have but too just Reason to see that our Continuance can produce none of these Effects which were proposed by sending us out."]

I take the chance of sending this by an Express, which I hear Sir Edward Hughes intends to dispatch by the way of Suez. The Channel is very uncertain, but I ought to miss no possible Opportunity of letting you know our Situation. I consider Mr. Wedderburn, Mr. Strachey and yourself as one Person, and commit myself implicitly to your Care and Judgement.

(Francis MSS. No. 36, pp. 581-3.)

No. 18*b*. *Francis to General Fraser. Calcutta*, 21st Aug. 1776.

Private.

. . . The Hints you give me, respecting the state of India Politics in England, are friendly, and I doubt not, well founded. It is possible, the Novelty of the Scene, in which we found ourselves suddenly obliged to act, might have betrayed us into some inaccuracies of Deportment, of which more crafty Men have naturally enough taken an Advantage. None of us, I believe, were bred in a Court ; nor perhaps would any English Education have prepared us to meet the System we found established here, with Politeness, Moderation or Indifference. A great Deal, however, on that Article, has been invented ; the Rest grossly exaggerated, or open to a severe Recrimination, and the whole of it believed upon no better Evidence, than the Assertion of the Parties. We thought too well of our Cause and had too little personal Concern in the Event to have recourse to such Methods of supporting it. Private Agency and private Letters have obtained a kind of temporary Victory over Arguments, which, at some future Period, will force their way into View, and I have quite Philosophy enough to wait for it.

In the Meantime I am not ambitious of possessing that decisive Influence which you attribute to me here ; much less the Reputation of it. On this Point, I have explained myself very fully, as well as on the Subject of Mr. Frederick Stuart's Disappointment to Mr. Wedderburn, to whom I beg Leave to refer you.

I have a just Sense of the Kindness of your Offer to serve me with Lord North and Lord Suffolk. You yourself must choose the Occasions of doing it with Propriety. I wish to stand well in their Opinion, tho' I declare to you seriously I have no personal Points to carry, and desire nothing but a civil Reception when I return. As to the Politics and parties of this Place, if no Man takes a more interested Part in them, than I shall do hereafter, they are in a fair Way of being buried in Oblivion.

I should be very Happy in the Honour of an Introduction to Mr. Jenkinson or Mr. Cornwell, if I had anything new to suggest on the State of this Country. Some Attention, I hope, will be given to my Plan for an internal Settlement, which went Home in January last. You cannot do me a greater Pleasure, than in recommending it to the Consideration of your Friends. If the Subject be not fairly and *de integro* taken up at home by Men, who have some Pretensions to the Name of Statosmen and Legislators, who know on what general Principles a great foreign Dominion, so circumstanced and situated as this is, can alone be held with a View to Permanence as well as Profit, no Efforts, no Arrangements on this Side will avail anything. In the first Instance, they will want a solid Foundation ; and supposing them ever so Judicious in themselves, they will not bind our Successors. The Territorial Acquisitions, in their present Course, will, I think, be a Burden to the governing Power within a much shorter Time, than People at home are aware of. As to myself, I shall only say, that my Endeavours to acquit myself honourably of the Trust reposed in me have been more laborious than is likely to be credited by Men, who have had no Experience of the Nature of this Climate, and do not know how little it is suited to any Exertion of the Faculties either of the Body or Mind. I will tell you another Part of my Creed, which your Ideas of the personal Honour and Fortitude of many Individuals will not permit you to assent to. They will never again have such Fools to work with, as those simple Men, General Clavering, Colonel Monson and Mr. Francis.

When proper Opportunities offer, I beg of you to represent me as I am—much more ambitious of the Esteem of those Persons, whose Opinions I ought to respect, than solicitious about their Favour.

(Francis MSS. No. 36, pp. 643-9.)

No. 18*c*. *Francis to H. Strachey. Calcutta*, 21st Aug. 1776.

I return you many Thanks for the favour of your Letter of the 14th Dec. The Letters I now write to Mr. D'Oyly are so full, with respect to my own Views and future Determination, that I have Nothing to add to them. As to the public Question between us and our Colleagues, let it take its fate. If almost all the powerful Men, as you say, continue in a Disposition to support Mr. Hastings, I submit to Authority, and assuredly shall oppose him no longer. I see plainly, but without Repentance, that the Principles and line of Conduct, which we unfashionable Men have

adopted are not only too High for the level of Bengal, but incompatible with the relaxed condition of Morality in England. If I am not hanged for not making a splendid Fortune within a Month after my Arrival, I shall consider it as an Act of singular Grace and Lenity. As to my sending home Copies of our Consultations or pestering my Friends with private Letters on a Subject, in which, after all, I have no personal Concern, it is in Vain ; I have sinned but little in this Way and will do so no more. . . .

If this Country is ever to be settled, a Year and a Half more will do it ;—and then for England. My Services here, after that Period, can be of no Use to any Mortal and to tell you the plain Truth, I can neither bear the Climate nor many other Circumstances of my Situation. Mr. D'Oyly will be able to explain them to you. I do not doubt, my good Friend, that you and many others have my Honour and Interest at Heart, but truly it does not appear in the Effects. I say this with infinite Indifference as to the Object ; and with a just Allowance for the different Dispositions of Men. I am sensible that to take an active Part in such Scenes of Intrigue and Hostility, there must be more of the Devil in a Man's Temper than I wish should belong to any Man I love. The only Proof of Regard which you will now have an Opportunity of shewing is to prepare an honourable or at least a friendly Reception for me at home. Under every Circumstance which it is possible for me to foresee at present, I shall assuredly quit Bengal in the course of the Year 1778, with a perfect, tho' not a profest Indifference whether my Resolution be approved of or not.

. . . The Heat of this Climate and the Fatigue I have gone thro' is a great deal too much for me. Perhaps my own Temper may have a Share in creating gloomy Thoughts and darkening the Prospect before me. Be that as it may, with such Feelings as God has given me, the Sacrifice is too great and the Reward too Little. I sometimes think that our noble departed Friend, while he was here, felt as I do. The firmest of all human Minds could not always command the frail Machinery in which it was lodged. The waste of Spirits in this cursed Country is a Disease unconquerable—a Misery unutterable.

The Ballot of the 17th May, followed by a prorogation of the Parliament, insures the Continuance of Messrs Hastings and Barwell for a Year at least and probably to the Period of our Appointment. . . . I have learnt some portion of Wisdom, and to shew you that I have, I will neither repine at what I cannot help, nor complain of Treatment I do not deserve. If, as an Individual and solely on the Score of private Friendship, you would take Part so far, as to save me from any direct personal Mortification I shall forever feel and acknowledge it ; I have no Object to carry and will not engage my Friends in a useless, ungrateful Contention with almost all the Principles, which now direct human Action.

Since writing what you have read, I have just received a formal Communication from Col. Monson of his having written for his Recall, both to Lord North and to the Court of Directors. He says he will wait till his Successor arrives, but I have no Idea that it is possible for him to endure this Climate so long. At any rate the Stroke is fatal to us as a Party, unless we could replace him with a Man like himself, and where is he to be found ? Would *you*, my Friend, venture to engage in such a Scene. I can hardly propose it to you. Tho', if I were to remain

here, Nothing could make me more happy. D'Oyly will communicate to you the only Idea that can possibly detain me, if it were attainable. . . .

(Francis MSS. No. 36, pp. 634-42.)

No. 18*d*. *Francis to John Bourke. Calcutta*, 21st Aug. 1776.

. . . We have heard of the Ballots of the 8th and 17th May, with no great Comfort to us collectively. My own Path is open and easy. Without departing from the Principles I have hitherto steadily professed ; without uniting with certain Men, whom I have the Honour of knowing rather better than they seem to be known in England, I mean to rest on my Arms and wait the Event patiently. The Minister is either unable or unwilling to support us. I myself believe both. Be it so. The Breach is made ; but I am not such a Fool as to mount it without Orders. Mr. Hastings, with an Air that would become Cato the Censor, declares that, for his Part, he is satisfied with the Absolution given him by 377 plain, honest Men, obtained without Influence or Intrigue, and extorted by the force of Truth, in opposition to the whole Power of the Ministry. *Risum teneatis !* This is admirable. Macleane, Frederick Stuart and young Elliot were undoubtedly determined by nothing but their Opinion of his Integrity. Such Names never appear but on the side of Virtue. Such Impudence is a Vomit for a Dog ! Away with it, my Friend ; and let us think no more, but where the best Wine is to be sold, and in what Company it may be safe to drink it. I beseech you to keep that Ground open for me with E. B. [Edmund Burke]. We shall compare Notes hereafter ; and in Proportion to our Numbers, I think I can give him Rogue for Rogue, as long as he has any to produce. I have read his last Speech with Admiration. On the Substance of that whole Question, it is equally useless and unsafe to enlarge. *My Heart bleeds for England.*

You cannot do me a greater Pleasure than by continuing to send me any tolerable Pamphlet that comes out, especially about India Affairs. Trust me when I assure you that this Country is sacrificed. The loss of America is only the forerunner of the loss of Bengal. Not that we shall immediately lose the Ground we stand on, but what is the Dominion without the Subject ? What is the Soil without Cultivation ;—or the Materials without Industry.

I wish you would qualify yourself to vote at the India House, or at least to attend their Debates ; or if you could find out some clever Fellow who would undertake to send me constant Accounts of what is going forward in Leadenhall Street, I should be very glad to make him a Compensation. Farewell, my dear Friend.

(Francis MSS. No. 36, pp. 654-7.)

No. 18*e*. *Francis to C. D'Oyly. Calcutta*, 13th Sept. 1776.
(Part printed in P. & M. II. p. 71.)

. . . You know how I think and feel about Clavering. *That Dominion would be insupportable.* Hereafter you shall know the Truth. I have been ridden long enough over Hedge and Ditch and can endure it no longer. The Ballot of the 17th May and Colonel Monson's Resignation

furnish me with very sufficient Reasons for retiring. My Conduct shall be steady, moderate, firm and consistent. As for Violence, I leave it to those who have a Prospect of profiting by it. In one Word, it is not in tho Nature of Things that I can continue to act with Clavering and you might as well hang me at once as *make him Governour*. That Event however, seems for the Present, out of the Question. Hastings is determined to stand his Ground because there is no Safety in quitting it. Barwell affects to be highly disgusted at the Resolution of the Directors to remove him and talks of going to England. His private Affairs here are very much embarrassed and he considers the above Resolution as a bill of Exclusion from the Government. In short, we are all in a strange Situation, but personally to me not disadvantageous. Clavering *is outrageous at my* withdrawing from the Battle and for a very good Reason. *It lowers his Consequence and deprives him of absolute Power with which no Man in my Opinion is less fit to be trusted or less qualified to make use.* I shall take your Advice and never think of England without an independent Fortune. Considering the distracted State of Affairs at Home perhaps it is all in my Favour to be stationed at such a Distance.

It is fit you should know that on the same Day on which Mr. Robinson wrote us a joint Letter in Lord North's Name, assuring us of his Lordship's warm Approbation and Support, he also wrote to Mr. Barwell, a private Letter, conceived in Terms of the greatest personal Friendship and Regard. I have this Fact from Barwell himself, and have no Reason to question it. On the Contrary, I have many to believe it true. Keep it close from everybody but Strachey and Mr. Wedderburn, if you think proper. I would have you think that my Affairs go on prosperously and look at them cheerfully. I assure you upon my Honour that there is no Event whatsoever which can give me a moment's concern, except being compelled to stay here *subject to Clavering's Government.* I am determined not to persecute My Lord North either with Complaints or Representations. Ho knows our Situation and I take for granted will think of us, as soon as other and greater Cares will permit him.

(Francis MSS. No. 36, pp. 737-43.)

No. 18*f*. *Francis to Welbore Ellis. Calcutta,* 13th Sept. 1776.

. . . Permit me now, Sir, with heartfelt Gratitude to acknowledge how much I am indebted to you for the Notice, with which you have honoured the Papers I submitted to you, and for the firm and explicit Terms, in which you express an Approbation of my Conduct. It is indeed true that we have discharged those Duties, which as we thought, were implied in the Nature of the Appointment itself, with Courage and Fidelity. Whether with Ability or not must be decided by a higher Judgement than our own. To render our Endeavours effectual, as you justly observe, the present Obstacles to a Reformation must be removed. The Ballot of the 17th May, followed by a prorogation of Parliament, leaves Mr. Hastings in Possession of the Government. This being the Event of a Struggle of two Years—the severest perhaps that any set of Men ever were engaged in—I have declared my Resolution to decline any farther Hostilities in Council and to wait, in a state of mere Defence, until a new Arrangement

shall be thought advisable at home, or until I may be permitted to retire with the Consent and Approbation of my Lord North, my Lord Barrington and yourself. The inclosed extract of a Letter, which I write by this Paquet to Mr. Robinson, contains everything that I think, it becomes me to say to the Minister on such an Occasion.

The Condemnation past on almost every Part of Mr. Hastings's Administration, ought naturally to have been accompanied with an effective Penalty. Facts seem now to be thoroughly understood at home, and we are not answerable for any Consequences of continuing a Man in the Government, who, as the Company themselves declare, has violated the Rules of sound Policy, who has disobeyed their own repeated Orders, and departed from the general Principles, on which they wish to see their Affairs conducted. His attempt to dissolve the Council is also condemned in the severest Terms. Yet still he is Governor, and Mr. Barwell as firm as ever by his Side. In so clear a Question the Inconsistency between Theory and Fact can only be accounted for by Conjectures, which perhaps might lead me to very unjust Conclusions. I have done. My Lord Barrington will communicate to you a very long Letter, on this and some other Topics, in which I have endeavoured to give his Lordship a clear Idea of our general Situation. As to myself, Mr. D'Oyly is particularly instructed to speak and act for me.

The Language which attributes our Conduct to Avarice and Ambition is affected, false and unjust ; but that Language, united with the Event, reduces each of us to judge and answer separately for himself. Col. Monson has sent home his Resignation. *I* withdraw myself from a Contest equally useless and vexatious, and solicit my Friends to permit me to retire. General Clavering will continue to be, what he has been invariably, firm, clear and steady to his purpose. Whatever his Enemies may say, and whatever invidious Conclusions may be drawn from the Proximity of the Succession, I, who know him better than they do, acquit him of such Motives. On the Utility of continuing the War in Council, I differ from him totally : Circumstanced as we are, I do not even think it honourable. Hostilities without a just, attainable Object are purely vindictive, and with some Colour will be accounted for in England, as all our Actions have been. But, without presuming to question the Propriety of General Clavering's Ideas on this Point, I must at last be permitted to judge and determine for myself. Hereafter I hope to have the Honour of explaining to your Satisfaction, to what Causes the loss of a Victory, at one Time apparently certain, ought justly to be attributed. At present it would be a useless Inquiry.

Long before this Time, Sir, I presume you are convinced that Mr. Barwell's Support of the Governor has been too strictly founded on the Principle of mutual Interest and common Cause, to allow him to *co-operate with our System*, much less to be a *useful Instrument in tracing and proving any of the Disorders of former Times*. It is true, he knows the Road because he has travelled it, and might serve us for a Guide. His Assistance undoubtedly would save us many tedious perplexing Inquiries ; but he cannot give it without Suicide to himself and such Treachery to others, as would make him infamous for ever and on all Sides. . . .

. . . As to a general Inquisition into Titles and Resumption of Lands held by Fraud or Encroachment . . . I humbly conceive it is an Object,

in which we have no direct Interest. As Government we have a Right to Revenue, and we know upon the whole what the Country can pay. But we are not Proprietors of the Soil. Here lies the great, and, I fear, the voluntary Mistake of every Administration since our Acquisition of the Duannee. If the Plan, which I sent Home in January last, does not demonstrate the Necessity of assuming and establishing another Principle for the future Government of Bengal, I shall submit to Authority, without relinquishing my Opinion. Mr. Strachey was desired to communicate to you the above Plan for a new Settlement and I most earnestly hope that my Lord Barrington and you may have honoured it with an attentive Consideration. The Principles on which it is founded are first, to restore the Lands to the right Owners : secondly, to lower the total Revenue of the Provinces : and thirdly, to fix it unalterably at a specific Sum. By the first Resolution, you preclude Men in Power from favouring their Friends and Dependants with beneficial Farms. Your own Reflections will extend these Words into a Volume. By the second, you relieve a languishing and exhausted Country, and give it Time to recover. By the third, you obviate the Necessity of reposing a dangerous Trust in the members of Government here, by which Integrity itself might be corrupted ;—I mean, that of making annual Settlements to the amount of two millions and a half—of granting remissions,—and relinquishing Ballances. If these Principles are not in themselves too luminous to require, or admit of Illustration, I know not what that abstract Truth is, which can deserve the Name of a self-evident Proposition.

In recommending such a System, I know, much better than it can be generally known in England, what sort of Power I relinquish fer myself and my Successors : but this, in my Judgement is cutting the Evil at the Root. Everything else is Persecution and Penalty without Reformation.

(Francis MSS. No. 36, pp. 693-709.)

No. 18*g*. *Francis to Lord North. Calcutta*, 16th Sept. 1776.

I have requested Mr. Robinson to express to your Lordship my sincere Acknowledgements of the Honour done me by your Approbation of my Conduct. While such Difficulties surround the Councils of the Nation, my Duty is plainly to stand at my Post with Vigilance and Firmness, and if possible to prevent Mischief in this Quarter. I will do it steadily, and to the utmost of my Ability until some other Arrangement shall be thought necessary, and Circumstances may admit of it. Notwithstanding all our Dissensions, I think I can answer to your Lordship for the Peace and Security of Bengal against every Case but that of an extraordinary Armament from France. This is no Time to talk of personal Difficulties ; as far as depends on any Efforts of mine, I would relieve your Mind from some part of the Cares with which you must be surrounded. We have kept the Peace on the Malabar Coast ; tho' not without Opposition. The late Revolutions at Madras may create disturbance at the India House, but I do not apprehend that they will be attended with any important Consequences here. Bengal is not likely to be attacked by any of the Country Powers.

As for the internal Government, it is undoubtedly not in such a Situa-

tion as it ought to be for the Welfare of the Country, or the Ease and Happiness of the Individuals who are at the Head of it; still however, our Measures of domestic Economy rather mend than degenerate and the Company have Reason to be satisfied with our Conduct. We have paid off the Bonded Debt, which on our Arrival amounted to a crore and twenty Lacks. We have gained an additional Revenue of above 31 Lacks per Annum by the Treaty of Fyzabad, and the Investment is higher, I believe, than at any former Period. Upon the Whole, I think Bengal is safe from immediate Danger.

As this is the Amount of all I could say on the Subject, I will not presume to trouble your Lordship with a longer Letter. If a proper Opportunity offers, my Lord Barrington and Mr. Ellis, to whom I write more particularly, will be able to give your Lordship a clear Idea of our present Situation.

(Francis MSS. No. 36, pp. 721-5.)

No. 18*h*. *Francis to H. Strachey. Calcutta,* 16th Sept. 1776.

Mr. D'Oyly will be able to explain to you very fully the real Situation of Affairs here and my own. It has really been so vexatious that you must not be surprised at any Marks of Peevishness or Dejection which may appear in my late Letters. . . .

The Ballot of the 17th May is a quietus to us all and so I have told Mr. Robinson. Whenever the superior Powers at home shall think a new Arrangement advisable I am ready to act if called upon. Till then, a cessation of Hostilities, an armed Truce and bury the Dead. . . . The Court of Directors may perhaps have resumed the Question of Removal before the meeting of Parliament, but even in that case, we can hardly expect to hear of the Event before next March. . . . My two Colleagues are in a woeful Condition. Colonel Monson obliged to go to Sea to save his Life and General Clavering on his Back covered with Boils. I see no Reason why Barwell should be alive but that Death does not think it worth while to kill him. He is a mere Shadow. As for Hastings I promise you, he is more tough than any of us and will never die a natural Death. Nuncomar might have been a notorious Rascal: but by —— he spoke Truth, or why were they in such a Hurry to hang him. That bold Measure made it impossible for us to get any further Evidence. No black Man would hazard his Life to oblige us. We had no Power to protect them. However, I fancy, whether the Proof was complete or not, there are not now seriously two Opinions upon the Subject. . . .

(Francis MSS. No. 36, pp. 775-82.)

No. 18*i*. *Francis to John Bourke. Calcutta,* 23rd Sept. 1776.

Your letter of the 25th Jan. was received this Morning. Our East India Advices from London come as low as the 25th May, so that all your Speculations in January are obsolete. I understand the Politics of Leadenhall Street perfectly and shall acquiesce in Evils I cannot remedy. Whenever a proper Resolution shall be taken in England, I will do my utmost

to carry it into Execution. In the Meantime I will stand firm in my Station, in a Posture of Defence and prevent Mischief if I can. . . . Preserve me in the Friendship and good Opinion of your Friends and speak well of me in the City. . . . Monson and Clavering both sick . . . and here am I sitting in Council with those Paragons of public Virtue, H. & B. —after two years,—and such a two years !—this is a pleasant Catastrophe. . . . Now I implore you never to send me another Recommendation : because I *must* pay Attention to it and cannot do so without more Embarrassment than you would wish to give me. I am overloaded from all Quarters. If, nevertheless, E.B. [Edmund Burke] has the Interest of any Person here *at Heart* let me know. I am in his Debt, and tho' I never wish to be out of it, yet I am desirous to see some Article, on the other Side of the Account.

(Francis MSS. No. 36, pp. 787-90.)

No. 19. *Hastings to J. Robinson.* 4th Sept. 1776.

I have had the Honour to receive two letters from you dated the 15th, and one the 27th of Dec. . . . The Communication of Lord North's Pleasure and the Advice which you have been pleased to give me on the subject of my present Situation deserve and have my grateful Acknowledgements. I cannot offer a sincerer Proof of them than by assuring you that your Letters have confirmed me in the Line which I had before prescribed to myself for my public Conduct. In spite of every Mortification and Indignity which I suffer here, and greater from home, I will not abandon the honourable and distinguished Trust which was assigned me, but wait with Patience until I shall be invested with the Means of discharging it, or until it shall be His Majesty's Pleasure to relieve me from it. In the meantime I shall continue to exert myself in securing and directing, where I can, the important Interests of this Government : and sacrificing every Consideration to the public Advantage, studiously avoid every Occasion that may tend to excite fresh Disputes and obstruct Business. Beyond this is out of my Power. Any further Steps which may be necessary to create that Harmony which you so earnestly recommend, must be made by those who possess the absolute Rule of this Government, and whose unprovoked Attacks I have hitherto suffered without attempting to retaliate them.

As to myself I have an entire Confidence in the Justice and Candour of Lord North, and am happy in the conscious Reflexion that whatever may be the Issue of these Disputes, I have had the good Fortune to see the Company's Affairs rise under my Administration from a State of Bankruptcy to a Situation which alone could enable them during more than two years to keep their Ground amidst all the Weakness and Confusion of a divided Government.

Permit me to express the Hope that I shall be honoured with your Friendship. I know the Value of it, and that it will be regarded by the World as an undoubted Proof of your good Opinion of the Rectitude of my Conduct.

(Robinson Collection, No. 110.)

No. 20.—Francis' Review of Events to Welbore Ellis. 18th Nov. 1777.[1]

. . . An appeal to the Evidence of a uniform System of public Conduct ought not to be outweighed by secret Accusations, unless supported by Proof amounting to Demonstration. I am sure you will revolt at the idea of condemning a Man, whom the Duty of his Station, if he really performed it, must have made obnoxious to so many Individuals, on the Evidence of Pamphlets or Newspapers, or the Eloquence of the India House, or the private letters of pretended Friends, or avowed Enemies. It is in some degree fortunate for me, that whatever Injury I may have suffered, has been accomplished by such Means only, as might oppress the best and ablest Man that ever acted for the Public ;—and that with so much personal Resentment to promote and prejudge a public Accusation none has been hazarded against so inconsiderable and defenceless a Man as I am.

Early in this unhappy Contest, when I was prevailed on to deliver Nuncomar's letter to the Board, I foresaw and stated the Probability, that such an act of apparent personal Hostility to Mr. Hastings would not go unrevenged. I well knew what Enmity I had provoked, and in what a Heart it was deposited. Against every possible Effect of his Enmity I was armed in front, where I thought the only wounds were to be expected. . . . Be assured, Sir, that in the hour of Trial, whenever it comes, I shall think it no Dishonour to be left, as I shall be, single and unsupported to answer for the united Offences of General Clavering, Col. Monson and myself. The Support, on which alone I shall depend, is in myself. . . .

Let it not be understood, Sir, that during a three Years continued trial of Patience, of Temper and Constitution, I pretend to have never yielded to Emotions, which a more experienced and wiser man might have commanded, or to be exempt from Errors, which too often accompany the most upright Intentions. General Clavering, Col. Monson and I were unknown to each other, till the Moment when we were appointed to act together, in the Situation, in which nothing but public duty could have united us. But a Principle of this kind applies only to the *Decision* of great Affairs, and will not at all times secure the Conduct of them from those breaks and inequalities which belong to human nature. They occur oftenest perhaps among men of the highest Spirit, and can only be prevented by long established Habits of Intimacy and private Friendship. The Question, which alone I think myself bound to answer, is whether, in my public Conduct, I have failed in any of the great fundamental Duties of my Station, in which alone the Public is concerned, or whether, in private Life, I have forfeited my Credit by a Breach of personal Engagements. My Object is to establish the Steadiness and Consistency of a political Character. . . .

One original Point of Fact on which I must particularly insist, will

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[1] Welbore Ellis, a particular friend of Clavering, was the Secretary at War under whom Francis had served as first clerk in the War Office. This letter was written in reply to one from Ellis, dated 13th May 1777 (see Chap. IV.). The latter half refers to events discussed in Chap. IV. The whole must be correlated with the narrative in the body of the text; but it is interesting not merely as a history of Francis' coalition with the General and Monson, but as a revelation of the man himself.

lead you to impartial Judgement of many others. The Idea of the Possibility of an absolute Disunion, immediate or remote between Mr. Hastings and us, did never at any Point of Time before we reached Bengal, exist in the Minds of any of us. So far from it, that I am thoroughly convinced of the Truth of a Declaration, often made by General Clavering in the most public Manner, that he came out with no other View but to command the Army, and that if he could have foreseen the Necessity, to which he found himself reduced of opposing Mr. Hastings, he never would have come to India. (Tho' Establishment in the military line promised him as much Honour and Advantage, and much more Ease and Security than the Possession of the Chair. I speak of a Time antecedent to the year 1775. A new and unexpected Position of Things undoubtedly obliged him to alter his Views; tho' even at last I am convinced he did it with the utmost Reluctance.) The Facts I allude to, once admitted, annihilate every Supposition of a preconcerted Union between General Clavering, Col. Monson and myself, in Contradistinction to Mr. Hastings and Mr. Barwell. So little had we a Conception of the real State, in which we found the Government, that if we had any Apprehensien of a future Division in the Council, it turned solely on the Character at that Time attributed to Mr. Barwell and the inveterate Enmity, which had subsisted between him and the Governor. My own Views, as far as I had formed any separately for myself were to unite cordially with Mr. Hastings, to make myself Master of Public Business, and to assist him in the Detail of civil Administration. It is well known, that Col. Monson would gladly have resigned his Appointment in England, if he could have obtained a regiment in lieu of it, and that he thought himself designedly slighted by Government, in their not supporting his Pretensions to the eventual Succession to the Command of the Army in India. It is not possible that any man, of his honourable and generous Temper, could have set out on such a Service, with less Inclination to it, with less personal Gratitude to the Minister, or with less Disposition to an intimate Union with his Colleagues, than he did. I refer to Facts, without attempting to account for them. They are within the Knowledge of my Lord North, Mr. Robinson, Mr. D'Oyly, and I believe of every Man, who was acquainted with Col. Monson.

I am at a loss to conjecture, on what Facts it can be supposed possible, that a particular Union between General Clavering and me had ever been recommended to either of us. My Lord North, from whom alone such a Recommendation could come with any degree of Force, or Propriety, did never to my Recollection mention General Clavering's Name to me, neither had I the Honour of being introduced to him by you or my Lord Barrington. The first place at which I met General Clavering was at Lord Clive's—But I need not insist on Truths so well known to the Parties living, and not to be disputed without accusing the Minister, or those who were honoured with his Confidence, of a Duplicity equally inconsistent with his personal Character, and with any wise or attainable Purpose. They, who have my Lord North's Honour sincerely at Heart, will not suppose it possible, that he could recommend it to the Legislature to form a Council of Materials incapable of uniting, or that he should secretly encourage one Part of it to unite against the other. The same Reasons make it impossible that General Clavering singly should have received

private Instructions or an independent Commission from the Minister. At all Events he never dropped the remotest Hint to me of any separate Trust on the Part of Government being vested in his Person, nor do I think the most willing Agent of Government would at any rate have run the Risque of acting on such ground. Yet something of this kind must be supposed, by those at least who, whether warrantably or not, unite the Necessity of supporting General Clavering with any positive or implied Duty of my Station.—He certainly could not expect that Support from me, because he had no idea of being placed in a Situation, in which it could be wanted. His opinion of Mr. Hastings's Merit and Qualifications was almost romantic, and I believe he adhered to it steadily, till within a few Days before we landed. During the Interval between our Appointment and Embarkation we met but seldom. We had no general Conversation, nor any other but on Points, which related personally to himself. My Connections in the City and constant Attendance at the India House enabled me to do him Services, which he handsomely acknowledged. Nothing material happened during our Voyage excepting that we saw the Charter of Justice for the first Time at the Cape of Good Hope. The Precedence it gave to the Chief Justice, immediately after the Governor-General was considered and resented by all of us as a Slight to the Commander-in-Chief. I need not remind you of the form of our Reception, or the mean and injudicious Policy of Mr. Hastings in endeavouring to lower us in the Eyes of the Natives. He is incapable of judging wisely for himself in anything, and unfortunately for him at that Point of Time he was under the Dominion of Graham, John Stewart, and some other persons of the same Temper and Qualifications. For some days, during which he left us to ourselves, we took no resolution whatsoever but waited patiently in Expectation of the Event of his secret Consultations with his friends. General information, however, pouring in upon us from all Quarters, prepared our Minds for the extraordinary Scene, which the first Meeting in Council presented to us. Instead of the Abilities, instead of the Integrity and Firmness, which we had been taught to look up to, we saw nothing in Mr. Hastings, but Passion, Disappointment and Despair.

But tho' he was incapable of giving us the Explanations we demanded, or indeed any other, we saw enough to be convinced, that the whole Thing was rotten. We then determined to renounce him, and to lay before the Company a true State of their Affairs, not doubting that, as soon as our Account of the Rohilla War and some other Transactions, should be received in England, both he and Mr. Barwell would be recalled. I think we were under an honourable and virtual, tho' not explicit Engagement to each other, to wait the Event of that Question, and in the meantime to push these Men with our united Strength. This was the only Engagement of a personal Nature, by which I ever understood myself to be bound. That Part of the Execution of our Plan, which fell to my Share, was considerable enough to employ me incessantly for two Years without the Relaxation of a day, and whether the Representations sent home in the Names of General Clavering, Col. Monson and Mr. Francis, prove anything but the Labour of the Composer, of this at least, except in two or three Instances, I am assuredly the sole and exclusive Proprietor. I deem myself too highly honoured by the Readiness, with which General Clavering and Col. Monson signed whatever I wrote for them, not to

insist on this unquestionable Proof of their Confidence, Opinion, and Esteem. They themselves were otherwise and constantly employed. Mr. Fowke, who went down the River to meet the General, gave him, I presume, many useful Lights into the State of Affairs and Characters of Persons here. I had hardly a personal Acquaintance with that Gentleman for above three Months after our arrival. The Charges against Mr. Graham [1] were unknown to me 'till the Day before they were produced. Those against Mr. Hastings were kept equally secret from me, until a few days before Noncomar was to be brought before the Board, when I was requested to undertake the invidious Office of delivering his Letter. I did it with the less Reluctance as I had had no Concern whatever in the Measures, which preceded his public Accusation of the Governor and really did not know the particulars of the Charges contained in the Letter. From the Moment when I signed the Rohilla Minute, I thought myself engaged in the Support of a public Question against Mr. Hastings's Administration and bound to continue it, until a Decision of that Question could be obtained from England, or at least a Certainty that we should be left without one. The Idea of committing myself in an indefinite War, from the Success of which *I* in particular could reap no possible Advantage, did never present itself to my Mind ; nor could it have occurred to General Clavering, who never entertained a Doubt, that the first Advices from England would remove Mr. Hastings. Col. Monson was irresolute, and often started Difficulties, which we could not account for. The Truth is, he was better acquainted, than we were, with the Constitution of the India Company, and Temper of those who direct it. We had not been here three Months, tho' long enough to plunge us into Hostilities against Hastings and Barwell, from which, before a Decision, there could be no honourable Retreat, when he informed me of his Intention to go Home by the last Ship of the Season. This was at all Times his favourite Object. You will judge with what Alarm and Anxiety such Hints, whether seriously meant or not, were received. . . .

I will not affirm, Sir, that Sickness, Waste of Spirits, excessive fatigue and occasional Differences of Opinion and the Despondence to which so many Causes contributed, did at no time shake my Resolution, or that I did never look back thro' a passionate Medium to the Folly and Danger of volunteering in a Cause, in the course of which such Turns were possible and from the Success of which I had no personal Advantages whatsoever to expect. But appealing as I do to the uniform Tenor of my public Conduct, I most peremptorily affirm, that it never was influenced by any Considerations of this Nature. The last joint Minutes against Mr. Hastings drawn up in March 1776 when the Season closed, were as pointed and determined as the first. . . .

[Remarks on Clavering's resignation.]

. . . I never saw his Letter to the Court of Directors till it came back to us lately in the Newspapers ; nor till I saw it in Print, did I ever conceive that he had sent home a positive Resignation. He told me in strong but general Terms, that he could not stay if Hastings was continued. With this Determination taken, he could have no personal Consideration to restrain him from pushing the War in the Interval to any Extreme,

[1] Charges of the Rani of Burdwan.

since he saw the Period, which with Respect to him at least would end it. On this Point I shall only add that, if he had communicated his intended Resignation to me, I would have drawn up the Letter in a different Form and readily have signed it with him. I saw plainly that the Battle was over—private Letters of considerable Authority assured me, that the first Interest in England was united to support Mr. Hastings; nor, indeed, did I receive one, except from my Lord Barrington and yourself, which did not express Doubt, Discouragement and Dissatisfaction. . . . For my own part I have done with Complaints, and am prepared to meet my Fortune within the line of Defence, if no direct attack should oblige me to go beyond it. . . .

. . . It is said that "I patronised the Interests of some Individuals too passionately". . . . Our common Object was in Truth the public good. To obtain it we were compelled to act on party Principles, nor would the Circumstances we were in permit us to act on any other. Our Union itself was a party Measure, not regularly to be defended, but by the Rectitude of our Intentions. They who conceive that, in these Times, the most virtuous Men can act with Effect without a preconceived Arrangement of Operations know nothing of the Condition and Conduct of public Affairs. Acting then on party Principles, tho' not for a party Purpose, I thought it deserved my Attention to gain as many Attachments as promised to be useful, nor am I yet accused of having been mistaken in my Selection of Men. . . .

[Remarks on the Treaty of Fyzabad.]

. . . If half that Treaty, Sir, had been sold by Mr. Bristow, the Remainder would still have been one of the noblest Services that a public Minister ever rendered to the State he served. . . .

It is nevertheless strictly true that a concerted Union did exist among us, tho' it had no Relation to the Interest or Injury of any Individual. It was founded on general Principles of Policy and good Government, in which our Opinion concurred, and which we were bound by Engagements of the most honourable Nature never to depart from. You will judge, from the Quality of them, whether they were necessary to be concealed, and how it stands with the Character uniformly attributed by us to Mr. Hastings, before we were acquainted with him, to suppose that men, united on such public Principles, must of Necessity, be *his* Enemies. Whether *I* have adhered to them or not, is the immediate Question, on which I submit to Judgement.

1. We understood that the Natives of Bengal were universally oppressed, both in Gross and in Detail, by the enormous Weight of the Revenue extorted from them.—We came determined to give them Relief.

2. We were well informed, that the intire inland Trade of the Country was divided into Monopolies, which spared nothing not even the Necessaries of Life.—We came determined to abolish them.

3. We were equally well informed that the export Trade of Bengal was in a State of rapid Decline, and not less thoroughly convinced that nothing but a free and unlimited export Trade to all Parts of India could support the Revenues of a Country subject to great and unavoidable Disadvantages by its political Connection with Great Britain, and from which an immense Tribute was usually extracted in various Shapes, without a Return of any kind from Europe.—We came determined to

relieve the export Trade of Bengal from every improper Restraint, and to give it every possible Encouragement. You have so many Proofs in your Possession of my Adherence to these three fundamental Principles, that in this Place I shall confine myself to simple Assertions, the Truth of which must be known to every Man here and in England, who may have had Access to the Proceedings of this Council.

1. In January 1776 I sent home a Plan for a new Settlemont. The principal Object of it was an immediate Reduction and future Fixation of the Revenue. You cannot but have heard of the favourable Reception it has met with in England, notwithstanding some Objections started here. These, in my Judgement, were as little consistent with the true Principles of sound Policy and right Reason, as they certainly were with the Pre-engagements I have alluded to, and to many of our recorded Declarations.

2. The first material Instance, in which we might have demonstrated our Abhorrence of Monopolies, presented itself on the Expiration of the Opium Contract early in 1775. My single Disapprobation of the Renewal of it appears annually on our Proceedings, excepting the last Instance, when it was disposed of for three Years, in my Absence.

3. The Minute I drew up in Consequence of a Proposal made by Mr. Hastings to give some Encouragement to a Plan of exportation to Suez, contains everything that my Experience and Observation here, united with the Principles on which I set out, have suggested to me on the Subject of the export Trade of Bengal. I have yet seen no Reason to relinquish those Principles or to adopt new ones.

The proof lies in that Opinion, let it be delivered by whom it may, which supposes such Principles to be false, or renounces them in Fact, without directly asserting that they are so. On such Questions I am not bound to submit to Authority. You have seen the Paper I allude to. The Argument, contained in it, is submitted to your Judgement. Whether defensible or not, it is obvious enough that, in this Article, I consulted the mistaken Views and Prejudices of the East India Company as little, as when I charged them with having uniformly racked this Territory since it fell under their Dominion; or as when I opposed the total Discharge of the Bonded Debt, or insisted on a general Reduction of the Revenues. Such Facts as these are not to be outweighed by any Evidence, less public and less important than they are. They will be decisive with those men, at least, who hear both parties, before they form their Opinion. I would not hold my Life, much less a precarious Allotment of it by the wretched Tenure of being compelled to follow implicitly the turns of Temper, which too often mix themselves in the Conduct of the greatest Affairs.

In another Instance, of a more particular tho' very important Nature, it was my Misfortune to differ from General Clavering. I call it a Misfortune, in these times, for any Man, whose Intentions are upright, to be unavoidably implicated in a Question, in which Truth and Reason are Parties against Authority. The Proposal to relinquish the Island of Bassein, in Feb. 1776, in the Treaty then under Negotiation with the Mahrattas was suddenly introduced, without any previous mention of it to Col. Monson or myself. Yet such a Proposition was accompanied with too many obvious Difficulties to suggest immediately to my Mind a rational Argument, by which it might be defended, much less to admit of its being instantly assented to.

It is not for my own Sake, Sir, that I wish to bury the Transaction in Oblivion. But, if this Language be thought evasive, the evidence on both Sides still exists intire, and I am ready to meet the severest Inquiry into my Conduct. The only Facts belonging to it which cannot now be established, were such as I think would have interested every generous and honourable Mind in my Favour. It has seldom been my Fortune to be answered with Argument.

Major Hannay's Appointment to treat with Nudjiff Cawn, and my Acquiescence in it, gave General Clavering great Offence. The Objections to the Measure, tho' urged with Vehemence, did not, I confess, appear to me to be material, considering the Terms to which Major Hannay was limited, by his Instructions. I need only add, that the personal Interests of this Gentleman were to my certain Knowledge particularly and urgently recommended by my Lord North.

If dividing with Mr. Hastings on a particular Question, against any other member of the Council, be imputed to me as an Offence, they who state it in that Light, must occasionally condemn every one of us. The Proofs which would establish this Assertion, are easily produced; but it would be foreign from my Purpose, and unnecessary to the Clearance of any action of my own to enter upon them at present.

(If opposing Mr. Hastings and his Measures implies Merit, I have enough of it to plead, even to those who may think an indiscriminate Opposition justifiable in a Council of State. For my own part I am not quite satisfied with the Morality of such a System, nor convinced of the Possibility of adhering to it—This paragraph erased.)

. . . Judge, Sir, what is *my* State, when, surrounded with implacable Enmities, agitated by the Contests, and worn out with the Toils of the Day, I am forced to allot, to such Discussions as these, the Hours which ought to be given to Relaxation or Repose. It will not last. My Strength and Constitution are not equal to the Task. We have been promised Support. A compromise with Mr. Hastings, apparently intended to remove him from the Government, has given him a Respite at home, with all the Benefits of gaining Time here, and eventually fixed him in his Place. The Chapter of Accidents is all in his Favour. We were assured of support from Mr. Wheler, we see him appointed in October, but he does not leave England till May, when the Passage to India becomes very precarious. Col. Monson's resignation is received in March. The News of his Death follows it in April. Yet at the end of June, it does not appear that either his Seat in Council or the Command of the Army is filled up. It is now highly improbable that his Successor should arrive here before next Summer. Yet the Loss or Preservation of Bengal may be in Question in the Interval. If France should avail herself of the present defenceless Condition of this Country, and could once land 10,000 men, or even a smaller number, we should have neither an Army nor a General to oppose her. But it is in vain to press such Facts on Men who know the Truth of them as well as I do.

I have too many Reasons to apprehend, that everything belonging to Bengal is received at home with Disgust, and that, by continuing to force these Matters into View, I shall gradually place my own Person and Character in the same unfavourable Light, in which the whole Object is beheld. The Events of another Year, however, must amount to a Decision,

de facto, from which, if it be against me, I shall make no other Appeal, but most earnestly to solicit my Recall.

Whatever may be my own Fortune, my Plan and Purpose is to unite heartily, if I am permitted to do so, with the Friends of my late Colleagues, in Defence of their Character and my own ;—to clear the general Principles on which we acted from Reproach ;—to state the Merit of our united Services to Advantage ;—to bring forward even our occasional Differences in Proof of our Integrity—to demonstrate the Difficulties we had to contend with, and to deliver *their* Names at least, with Honour to Posterity. The Materials of such a Work are in my Possession, and as no man living can be so well informed of Facts and Characters as I am, I presume I shall not be thought to want Ability to make use of them. . . .

[Desires Ellis to communicate this letter to Barrington and D'Oyly]—I hope that you will honour me with an unreserved Opinion of the Ground I stand on. If you think it tenable, I will defend it to the last Extremity. If not, I want nothing but a Signal to retire. . . .

(Francis MSS. No. 39.)

APPENDIX TO CHAPTER III

No. 1.—Francis on Hastings' Plan of Judicature

Majority Letter to Lord North. 16th May 1776.

The Liberty we take in addressing ourselves directly to your Lordship on a Question of greater Importance to the Welfare of this Country, than perhaps any yet agitated between Mr. Hastings and us, will we hope be justified by the Occasion. Exclusive of those public Considerations, arising from the Subject before us, some of which we have stated officially to the Court of Directors, we acknowledge a personal Concern in the Event, which we shall humbly solicit your Lordship to represent for us, if the Measure recommended by Mr. Hastings should meet with any serious Support at home, or if any Attempt to carry it into Execution should be likely to succeed. At this Distance we are obliged to suppose a Case in the highest Degree improbable, that the possible Success of the Measure we condemn may not hereafter be imputed to our neglecting to remonstrate against it.

It is now about three Months since Mr. Hastings communicated to us the Plan of an Act of Parliament for new modelling the Government of these Provinces, which he had drawn up with the Assistance of Sir Elijah Impey, and sent home with an earnest Recommendation of it from himself and Mr. Barwell to the Approbation of the Court of Directors—Our Objections followed it by the earliest Opportunity.—A Plan, which proposes to subject the Natives of Bengal indiscriminately to the Jurisdiction of a British Court of Judicature, and to give that Court a compleat and effective Control over the Country, appeared to us to carry its own Condemnation on the Face of it.—Differing totally on Principles, from Mr. Hastings, or rather from Sir Elijah Impey, we did not think it necessary to enter far into the Detail of the Scheme. The inclosed Extract of our Address to the Court of Directors will give your Lordship a general View of the Subject, at least as far as it was at that Time thought fit to make us acquainted with it.

We have now the Honour to inform your Lordship that Sir Elijah Impey has since employed himself, with infinite Labours at least, if we may judge from the Mass of the Work, informing and extending the above Plan into the Shape and Appearance of an Act of Parliament. This has also been sent home under the Signature of Mr. Hastings and Mr. Barwell, but accompanied with such Commendations, as we think they could not have given to any Performance of their own. The Doubt, repeatedly expressed by Sir Elijah Impey himself, whether it was not *too inaccurate to*

be sent to England, seems to us much better founded. [Encloses copy of Impey's letter to Hastings.] . . . We doubt not it will appear to your lordship an extraordinary Fact, that a *Bill for the better Government of the Kingdoms or Provinces and Countries under the Government and Control of the Governor-General and Council of Fort William in Bengal and for the Administration of Justice therein*, should have been secretly concerted between Mr. Hastings and Sir Elijah Impey without the Knowledge of a Majority of the Council, and sent home without the least previous Communication with us. It may also deserve your Lordship's Attention that the Approbation of this voluminous Work, which it was thought necessary to obtain from the other Judges, was given upon a hasty reading at the Governor's House, and has since been in part retracted by one of them.

We readily confess that we are unequal to the Task of following this Bill thro' all its Defects, or of stating all the pernicious Consequences with which we are convinced it would be attended.—Men of learning in the Profession will determine, with a Precision to which we do not pretend, upon the internal Construction of the Bill, and how far it is calculated to answer its profest Purposes. To us it appears replete with Contradictions and Obscurities, which perhaps might not be unintended. An obscure intricate Law leaves everything open to an arbitrary Interpretation. The Ground we take is of a more general Nature. We have repeatedly declared our most deliberate Opinion that Bengal is not tenable by Great Britain under any Form of Government which subjects the Natives generally to the British Laws or to the Jurisdiction of a British Court of Justice. If the ancient Proprietors of the Soil be restored to their Rights and Possessions ; if the Revenue to be exacted from the Lands as a Tribute to the Governing Power, be unalterably fixed, and if the ancient internal Institutions of the Country be revived and steadily administered, the Country will recover of itself, and on that Footing may be held with the greatest possible Advantage by Great Britain.—Other Institutions, drawn from the Maxims of European Policy or Jurisprudence, would then not only be unnecessary, but destructive. We do not deny the Expediency of uniting every Branch of the Sovereign Power of the State in one Hand, nor do we conceive how such Sovereignty can exist but in his Majesty's person. We confine our View, however, to the Government of Bengal only, without presuming to enter into all the Considerations respecting other European Nations which must be taken into the Determination of this great Question. But it does not appear to us that the Introduction of the British Laws or the Administration of any Laws in this Country by British Judges is a necessary Consequence of a Declaration of his Majesty's Sovereignty. The Draught of the Law before us declares the Sovereignty and decides the Consequence—Yet, at tho same Time that the *whole and sole Sovereignty* of these Kingdoms is *completely vested* in his Majesty, it is accompanied with a saving to the Nazim, his Heirs and Successors, and to all the Indian Princes, Potentates and others, of all their just Rights, Claims and Titles, which they now lawfully enjoy, or which have been secured to them by any Treaty or Treaties with the Company, and also with a saving to the Company of all their parliamentary or chartered Rights, and of all their Possessions, Revenues and territorial Acquisitions. We know not to what Law the word *lawfully* refers, but we are very sure that his Majesty's Sovereignty

cannot exist, either in Fact or Form, consistently with the savings stated in the Bill. The Mogul, by the Constitution of the Empire, is Lord Paramount ;—the Nazim is his Representative, and still exercises some Branches of the Executive Power :—Their respective Rights have been repeatedly acknowledged by Treaty. The Company coin Money and collect the Revenues by Virtue of a Grant from the Emperor. They never held those Privileges by any other Title. When all these Rights are respectively reserved, we know not for what Purpose his Majesty's Sovereignty should be declared, unless it be singly to extend the Jurisdiction of the Supreme Court, and to give to that Court a compleat and effectual Control over the Country. Every other inconvenience attending a divided Sovereignty, will remain. To enter further into the Merits of the Bill or into the real Views of the Persons who projected it, would be an invidious and unprofitable Labour ;—What remains for us to say on this Subject concerns ourselves too much and the Public too little, to justify our trespassing much longer on your Lordship's Patience. If the Difficulties we have met with in the Execution of the Trust committed to us, could possibly have been foreseen, we are ready to declare that no Consideration could have induced us to undertake a Task, to which we should have thought ourselves wholly unequal. Since October 1774, we have stood alone in this Country against a Union of every Power, Influence, Intrigue and Interest that could be exerted to thwart, distress and disgrace us. We hope the Principles on which we have acted, will not be condemned, tho' we admit that they have a natural Tendency to make almost every Man in the Settlement our Enemy. In fact, they suit no Man's private Interest, and our own least of all. If it should be thought advisable to intrust this Government to other Hands, we shall retire without Reluctance, and only lament the Situation of any Men of Honour, whose Lot it may be to succeed us. A Resolution to include us in any future Arrangement of the Government of Bengal will carry with it an honourable Approbation of our Conduct ; but, with respect to the public Service, we fear it will be found ineffectual, unless Care be taken to relieve the Governor and Council from those Checks and Impediments, with which every Operation of Government is now retarded, and to intrust them with effective Powers proportioned to the Services expected from them.

At all Events we should not answer the personal Confidence reposed in us, if we did not express our Opinion to your Lordship, in the plainest Terms, that, supposing the Bill concerted between Mr. Hastings and Sir Elijah Impey to be approved of at home and passed into a Law, it would be highly inadvisable to commit any share in the Execution of it to Men, who have declared their Abhorrence of the Principles on which it is founded, and who never can concur heartily in carrying it into effect.

(P.R.O. T. 49/10, No. 49.)

No. 2. *Francis to C. W. B. Rous. Calcutta*, 22nd June 1776.

In considering your Remarks on the Plan for a new Settlement, it is unnecessary to insist on the Truth of any of those Propositions, in which we are agreed. I see with Pleasure that, with respect to great fundamental Principles, your Ideas coincide with mine. When these are firmly estab-

lished, Arrangements of Detail are easily formed, corrected, or improved. I did not pretend, nor was it necessary to my Design, to enter minutely into all the subsidiary Measures and Regulations, which the Execution of the Plan will require and suggest. They will unfold themselves gradually as we proceed. No Step should be taken without calling for Advice and Assistance, wherever it can be obtained and, while such Caution is observed, I think we cannot fall into any essential Mistakes.

. . . If the Nature of the Zemindary Tenure be attentively examined by the Test of Facts, I think it will appear to have no real Relation to the Feudal, consequently that no Argument, in support of the Sovereign's supposed Property in the Soil, can be drawn from a Comparison of the two Systems. No Proprietorship of Lands in the Sovereign could be higher than that, which the Principles of the Feudal Government vested in him—It was a System of Conquest. The Chief of a victorious Army divided the conquered Country in large Allotments among his superior Officers, by whom it was again distributed in smaller Portions to the inferior Officers and Soldiers. They all held their Lands originally of the Prince, on Condition of performing military Service for the general Defence of the Conquest. The Descent was confined to Males and those of Blood only. In Case of Failure of Heirs or Forfeiture, the Lands reverted to him who granted them. The Right of Females to inherit, or of the immediate Possessor to introduce a Stranger by Adoption, was unknown to the Feudal Law and would have been utterly incompatible with the Principles on which it was founded. The Tenure of landed Property in Bengal is quite upon a different Footing. The Mahometan Conqueror did not divide the Country among his Followers, nor did he make a new Grant of the Lands to the former Proprietors on Condition of military Service. In general he left the Possession of the Lands where he found it, on the Condition of a fixed *pecuniary* Tribute, with which he maintained a standing Army for the securing of the Acquisition. Bengal, in Fact was a tributary Province, governed by a Viceroy. Some few of the frontier Districts, I believe, were granted without Tribute on the single Condition of defending them :—but this appears to have been a Measure of Necessity, and does not affect the general System of the Government. The Natives of Bengal will work but not fight for their Masters.

Zemindars, it is true, were Officers and Magistrates, obliged by their Sunnuds to the Performance of certain civil Duties, which relieved the Prince in the Administration of his internal Government. But it was the possession of landed Property which naturally imposed those Duties on the Zemindars, and *ipso facto* made them the Magistrates of the Country. There could not be a wiser Policy, either for the Prince, to whom the Men of Property were made responsible, or for the People, who had Justice brought Home to them, and administered by Men, who had a Stake in the Country and a natural permanent Interest in its Prosperity. . . .

. . . The fixing the Revenue payable by every Zemindary is tho Foundation of my Plan, *sine quâ non*. We cannot prescribe Laws to Posterity ; but, in order to guard our Institution by every possible Precaution, I would have tho general Jumma of the Provinces fixed by Act of Parliament.

I see the Necessity of an intermediate Agent between Government and the Zemindars, in those Pergunnas, which consist of a great number

of joint Proprietors, and approve of it intirely ; as also of the Qualification annexed of permitting any principal Partner of a Pergunna to pay his Revenue separately at the Sudder. . . .

The Acquisition of Ghazipoor is the sole and separate Act of a Majority of the present Council. The Revenue is fixed for the Life of the present Raja by Treaty. I do not think it ever should be altered. The permanent Advantages which this Acquisition secures to the Company require no Illustration. Conforming to the Policy we profess, the Spirit of the Treaty is to acquire Revenue without Territory, that is, without any direct Interference of the Company or Influence of their Servants in the Internal Government of the Tributary Dominion. If the same Policy had been pursued in former Times, I have no Doubt that a considerable Portion of the Revenue of Bengal, on the Footing of a fixed Tribute, might have been enjoyed by the Company for a longer Period, without Distress to the Country and without Embarrassment to themselves either here or at Home. I know of no Principle so likely to defeat its own unreasonable Purpose, as that of grasping at the whole Produce of the Lands, or, in the Language usually held here, *raising the greatest possible Revenue from the Country*.

The Tuckseem Jumma, as I intend it, is to fix the Land-tax payable to Government from every Pergunna, nor to limit the Zemindar in his Agreement with his Tenants. He should be at Liberty to make his own Terms at first with the Ryot, but these Terms should be fixed by the Pottah, and no more liable to Alteration than his own Revenue.

Your Idea of the proper Use of a few Europeans, stationed in the Districts, concurs with mine. The ancient Phouzdars, to whom I refer in the Plan, are mentioned in the printed Memoirs collected from Mr. Watt's Papers, and nowhere else that I know of.

The Limitation of an annual Revenue of two Lacks, to which I proposed to reduce the great Zemindaries, is arbitrary. You will observe it is left open to future Consideration. I agree with you that it is too high. The intended Distribution of landed Property into a greater Number of Hands, can never take place, if the Power of Adoption be continued in the great Zemindaries. In the rest it is of little Moment. The Question therefore, is whether this Privilege shall or shall not yield, in a very few Instances, to the good of the Country, the Convenience of Government, and perhaps to the Safety of the State. As the Case stands at present, either the Zemindar, thro' Indolence and Incapacity, neglects the Care of his Patrimony, by which the Country suffers ; or, if he be a Man of Activity and attentive to his Affairs, he acquires an Influence always sufficient to embarrass and, in some Circumstances, formidable to the Government. The Preserving the little Zomindaries intire would certainly be attended with many Conveniences ; but this is not an Object of near so much Importance as dividing the great Ones.

I agree with you intirely that Women should not be allowed to have the Management of Lands ; but that they should have a proportionate Subsistence provided by the Heir. . . .

The same Care which I propose to take of the Zemindar's Security, must of course be extended to the Talookdars and every inferior Tenant or Proprietor. The vital Principle, or *punctum saliens*, of the Plan is,— that every Man shall know exactly what he has to pay, with a positive

Certainty that nothing more shall be demanded of him. The Rest is his own ; and, if he grows rich, the better for the State. He will then have a natural Encouragement to excite his Industry, without any Motive to conceal the Produce of it.

I should think myself happy to have a Share in accomplishing the Prediction, with which your Letter concludes. The Principles, on which I mean to act, are benevolent at least, if not judicious. I would make the People of this miserable Country as happy, as is consistent with their political Dependance on a foreign Empire : Nor do I believe that the true Interest of the governing Power can be more effectually promoted by any other System. But even if the Contrary could be proved, which I am convinced is impossible ;—if it were self-evident that England would be benefited by reducing this Territory, and all its helpless Inhabitants, to Beggary and Ruin, it is not a Task which an honest Man should undertake—Rather than be concerned in it myself, I would renounce my Situation here, with every Prospect of Advantage that attends it, and bid Adieu to Politics for ever. . . .

(Francis MSS. No. 49.)

No. 3. *Francis to General Clavering. Calcutta,* 14th Jan. 1776.

. . . I now send you my Plan, but without the principal Documents. For these you must give me Credit, until I can have them drawn out. I do not give it as compleat ; therefore I beg of you not to stop at Objections of Detail. If the Foundation be good, the Rest will follow. Without it, all Measures of Regulation are mere Patchwork.

My first and simple Principle of Taxation is that laid down by Montesquieu, " qu'il ne faut pas mésurer le Tribut par ce que le Peuple *peut* donner, mais par ce qu'il *doit* donner :—ou en le mésurant par ce qu'il *peut* donner, que ce soit au moins par ce qu'il peut *toujours* donner ".

I quote the Words from Memory, but this is the Sense of them.

Applying this incontrovertible Principle to Bengal, I say first—1. That the Zemindars should be restored to their hereditary Rights—2. That the whole Assessment on the Lands should be lowered—3. That the Assessment, once settled, should be fixed *in ceterum,* and as immovable as the Land, from which it is raised. The first is Justice and Convenience ; The second is Wisdom and Compassion ; the last is the Result of every Motive that ought to weigh with a wise and benevolent Legislator—Without Benevolence there can be no Wisdom—The Assessment, once fixed, should be made unalterable by Act of Parliament—Without this Precaution, the neat Hastings undoes all that we have done ; and how can the Country thrive in the Face of an arbitrary Taxation ?—It is some Merit even to aim at such a glorious Object as the Foundation of an Empire, and the Salvation of Millions—If such a Plan takes place under your Government, you will be immortal. But this is nothing.—Your own Feelings and Reflections will reward you.

(Francis MSS. No. 49.)

APPENDIX TO CHAPTER IV

No. 1.—Francis on the Death of Colonel Monson

Letter to C. D'Oyly. Calcutta, 26th Sept. 1776.

The Death of Colonel Monson, which happened last Night, leaves General Clavering and me, and all our Friends, at the mercy of H. and B. Judge what Quarter we are to expect from them. The General is actually very ill tho' rather on the Recovery. . . . He expresses a Determination, from which I am perfectly sure he will not depart, not to stay another Year in Bengal, if Hastings and Barwell are left in the Government. My Situation will not permit me to hold the same Language, nor will I quit my Post without the free Approbation of my Friends. But I trust that there will be a general Exertion of all their Interest to prevent any Injustice being done me by supersession from Home. Mr. Wedderburn, I am persuaded, will be my Friend. Remember my former Letters, and I beseech you, let not so great an Object be lost, for want of Care, Zeal or Industry. All I mean is, that as I have no Idea of superseding any Man now above me, so the Succession may not be barred by the Introduction of new Men from England. That would be too severe, after all I have undergone, nor indeed would I submit to it. The Instructions contained in my late Letters from July inclusive, must now be qualified and accommodated to this Event. I leave the Consideration of the whole to the private Councils and Determination of yourself and Strachey.

(Francis MSS. No. 36, pp. 729-32.)

No. 2. *Barwell to Robinson. Calcutta*, 25th Nov. 1776.

In my letter of Sept. last I told you I was almost determined upon leaving Bengal, my health and situation being inducements equally strong to influence such a step, but an alteration in the latter from the unexpected death of Colonel Monson with the urgent instances of the Governor-General has inclined me to forego the Design to afford him my assistance and support in the Important and Interesting Business that is now under Contemplation, the Settlement of the Revenues which must take place at the Expiration of the 5 years' leases in April next—to leave the country at a crisis so critical I have considered might be, with just Reason, imputed to motives improper to influence my Conduct and impeach me of a neglect and disregard to those Duties which by a change in the circumstances of the Government have fallen to my share.—At a time when I could not act, a retreat might be made from a regard to personal ease and health, without my incurring reproach by such a step. That time past and myself

in a different predicament, I have no longer the same latitude of choice.—However, let me assure you and through you my Lord North, that as I never had nor ever shall have any other object than the Service of my country by continuing in my station, all my attention will be given to that one object and in the mode in which it may prove most agreeable to the ruling Power to direct. It is not my province to judge what measures Government shall adopt but to render my services in the line in which they can be useful and promotive of the views to be accomplished—I need not tell you I shall feel an obligation from your confidential Communications and for such a favourable construction of the part I ask as may insure me the Countenance of your powerful Friends.

(Robinson Collection, No. 119.)

No. 3.—Francis on the Recall of Bristow

Francis to General Fraser. 20th Nov. 1776.

The Death of Col. Monson has thrown the whole Power of this Government into the Hands of Messrs. Hastings & Barwell, and they use it in a way, which I think does little Credit to their Wisdom; considering by how precarious a Tenure they hold it. They have already displaced several Persons in Office without any Reason assigned; but their great Object of all is the Removal of Bristow and Restoration of Nat. Middleton; and this they are determined to do *coûte qu'il coûte.* I do not believe they will even give him a month's respite to settle his Affairs. I have used every Endeavour which my Situation would permit, to divert or at least to protract the stroke, but I fear to no Purpose.

On one side, Bristow's Services to the Company are high, distinguished and unanimously acknowledged by the Board on several Occasions. On the other, he has never departed from the line of his public Instructions; nor, to my Knowledge ever given the smallest cause of personal Offence. His Removal then, to speak of it with the most guarded Moderation, is simply an Act of Power without Justice, Reason or the Shadow of a decent Pretence. As such I beg leave to represent it to you and your Friends. You will judge in what manner it may be most proper to take it up at home. On this side everything that depends on me shall be done to make it an expensive Victory to the Governor.

9th Dec. 1776.—I am now to acquaint you with the Event of my Predictions. The Motion for Bristow's Recall was made by the Governor on the second of this Month and carried of course, tho' not without a vigorous Resistance by General Clavering and myself. I send you the Minutes which I thought it became me to enter on this Occasion. They will furnish you with the whole Argument, as in effect nothing was urged on the other Side, but the Necessity of the Governor's employing People, in whom he had a personal Confidence, as if he had any powers independant of or distinct from his Council. If this Transaction be not censured and reversed, Bengal is not tenable for *me.* But it will require Activity on the part of my Friends in England to recommend it to the Attention of Men in Power. For this Purpose, I am sure, it cannot be in better Hands than yours.

(Francis MSS. No. 36, pp. 883-7.)

Nos. 4.—Francis and the Amini Office; Situation created by the Death of Monson

No. 4*a*. *Francis to Lord North. Calcutta*, 20th Nov. 1776.

Nothing less than the View of Measures, which I deem highly injurious to the public Service, could draw me into any further Contest with Mr. Hastings, or induce me to trouble your Lordship on so ungrateful a Subject —I am content to leave the ordinary Conduct of Business in those Hands, in which the Company themselves think it may be safely trusted—I renounce all personal Altercation with these Gentlemen, because I see it unattended either with Credit to myself or Advantage to the Company's Affairs, especially since the Death of Col. Monson has disarmed us of Power. But in the Case of Measures, which, in my Judgement, decide upon the Wellbeing of this Country, I can neither yield without Resistance here, nor answer the Trust which, I conceive, was reposed in me, if I did not give your Lordship Notice of them.—Between that Duty and the supposed Interests of the Company (not less unwisely than unjustly distinguished from those of Bengal) I am well aware of the Hazard of my Situation—I see the Danger clearly and disregard it.

The present Settlement of these Provinces expires in April next. The Plan of another must be formed immediately, and I really had Hopes that, after all the Experience Mr. Hastings has had of the pernicious Effects of Straining the Country to realise an enormous Rack-Rent, and after many Declarations of his own, which I thought had a just and reasonable Tendency, he would have agreed with me in fixing the future Revenue upon a moderate Footing.

No other can be permanent, nor is it possible that Bengal can continue to be, in any Sense, a beneficial Acquisition, whether to the Company or the Nation, if the Demand upon it be not, in the first Place, limited at least by the Necessities of the ruling Power, and, in the next, invariably fixed.

The Plan resolved on by the Governor for the ensuing Settlement, professes still to aim at an exact Valuation of the Lands, and now to obtain from the Ryots an Account of their actual Payments—Whatever Colours may be given to the Measure, the true Object of it is, and can only be, to grasp the intire Rents of the Country, and annihilate every Right, Interest and Property between the Ryot and Government.

The Papers which I transmit by this Ship to Mr. Ellis, will, I think, give your Lordship a clear Idea of the Governor's System and enable you to judge of its Effects. Supposing him to act up to his Plan, and that it be not defeated by Difficulties of Detail, it is the finishing stroke to the Country. On the other Hand, he is resolved to know exactly what the Ryot pays to the Farmer or the Zemindar. When I ask whether he means to take the Whole, he tells me his Object is, "to get as much from the Country as will supply *all* the Demands of the Company, leaving a competent *Subsistence* for the Natives". These Terms are tolerably plain;—a *competent* Subsistence supposes a Right in the Government to rob the Natives of every Thing else; and this is to be done for the avowed Purpose *of supplying all the Demands of the Company*. He may do so for a Year or two, or perhaps keep up Appearances till the Period of his Government;

But if such a Scheme be allowed its full Operation without a Check from Home, the Affair is over, and Bengal is but a name.

When the Object and the Means are so expressly avowed, particular Declarations, in Favour of the Zemindar, or the Ryot, or the Country in general, are not to be regarded. The Persons who use them mean nothing but to mislead the ignorant or inattentive, or to save and qualify the grossest Contradictions. Mr. Barwell, for Example, says that, "*a Reduction of the Revenue is absolutely necessary for the future Welfare of this country*":—and that an *Attention to the Welfare of the Peasant and the Manufacturers is the Ground-work of a well regulated State*:—But in order to compass these Objects, he conceives nothing will answer, but a *compleat Discovery of the Value of the Lands*—In order to relieve the People, he thinks it necessary to ascertain the utmost they can pay—nothing less than such an Inquisition, as he conceives, will satisfy the Company *of the true and ultimate Value of their Possessions, or that a more advantageous Bargain might not have been made for our Employers.* I use his own Words; but shall not attempt to follow him any farther.

The inclosed Paper, No. 7. was taken from Mr. Hastings's own Words, delivered as an Explanation of his first Minute. But the Letter from the Commercial Board, No. 2. which I have the Honour to send you, will, I fancy, throw clearer Lights on the Subject. I have no doubt that this Letter was previously concerted with the Governor—Besides demanding the enormous Sum of 11642 Lacks out of the Revenues, for next Year's Investment, they give us no Credit for the Salt and Opium, which we have been ordered to make over to them, and which, at a very moderate Computation ought to produce above forty Lacks. It cannot escape your Lordship's Observation, what personal Purposes are to be served, by holding out these flattering Lights to the Company. . . . No real Interests will be served but those of their Servants, or men in Power here. But it is strictly my Duty to inform your Lordship of the Nature and Tendency of any Measures here, which in the possible Case of a future Separation of Rights, will leave nothing in the Scale of Government but a heavy Establishment,—a defenceless Territory, a ruined People, and every Source of Revenue strained, if not exhausted.

(Francis MSS. No. 36, pp. 815-26.)

No. 4*b*. *Francis to H. Strachey. Calcutta*, 26th Nov. 1776.

. . . I do not ask him [Hastings] what Right he has to supply all the Demands of the Company out of the private Property of the Natives, or to reduce so many Millions of People to be the day Labourers of the India Company. He would laugh at such a Question.—But he knows that I have Questions to ask him, which he cannot directly answer without involving himself in the grossest Contradictions. For this Reason he does not dare to speak out, or to look his Plan fairly in the Face.

. . . The Company, in this and almost every other pretended Scheme for their Advantage is a mere Name.

When some Hundreds of Aumils or Inquisitors, under the immediate and separate Direction of the Governor and his Diwan, are let loose upon the Country, I know whose Interests will be taken care of. At the same

Time that Assets are rigorously hunted after, in order to flatter the Company with Hopes of Increase, I ought to inform you that, within the last Month, we have been obliged to make an absolute Remission, to the Provinces of Behar and Nuddea of above eight Lacks of Rupees, and both at the urgent Recommendation of the Governor-General. Within the last Year and a half, I am confident that not a Month has past without a considerable Remission in one Part or other of the Provinces.

The Establishment of the new Office amounts to 5525 sicca Rupees a Month, exclusive of the black Officers, who are to be sent into the Districts for the Purpose of particular Investigations, and who, I suppose, are to pay themselves.

But I am weary of contending with Ignorance, Presumption, Avarice and Injustice. This wretched Country now has no defence against the arbitrary Power accidentally devolved to the Governor, and which he seems determined to use without Reserve.

My own Situation leaves me no Influence in the Choice of Measures. I can only lament their Effects, and now and then endeavour to qualify Mischiefs, which I cannot prevent. My Share in the Conduct of current Business, and the particular Superintendence of our great Department of Accounts, are nearly of themselves as much as I am equal to. The General when in Health, is sufficiently engaged with the political and military Departments, and Mr. Barwell does literally Nothing.

. . . I see that in England you are determined not to believe that Bengal is sinking as long as an Investment can at any Rate be procured for the Company. I wish you would inquire into the Quality of this Investment, and by what Means, and at what Expense, it is provided. For your future Conviction I shall content myself with appealing to the Company's Experience this day three Years. . . .

(Francis MSS. No. 49.)

No. 4*c*. *Francis to D'Oyly*. *Calcutta*, 26th Nov. 1776.

I write Columns by this Ship to Lord Barrington and Mr. Ellis, which I take for granted you will see. I shall not therefore, harass myself any longer with Repetitions of our public Affairs. My own History lies within a narrow Compass. If Mr. Hastings is to be continued in this Government, General Clavering cannot stay here, and I ought not. If I could hope that the Minister, or anybody else, would listen to my Opinion, and you may assure those whom it may concern from me that they cannot take a more fatal Step than that by filling up Colonel Monson's Place with an Indian or any Man connected with India. What they call local Knowledge is nothing but Tyranny and Prostitution. But this is not enough. A Majority against a Governor may prevent his Acting, but they cannot act for themselves. The Situation of the Country demands instant Arrangements for its Recovery ; and by all that is just, I see only one which can save it. If it be possible, discover whether anything or nothing is likely to be done. To stay here with Hastings and Barwell beyond another Year is insupportable ; or is it possible they can be so unjust as to leave me in this odious Situation ? Can any Man, who is my Friend, desire it ? As to continuing an incessant Battle with H., I *will not* do it. When a great and important Occasion, such as that on which I now write to Mr. Ellis

requires it, I meet him in Part, and, I hope, maintain my Ground with Dignity. But everlasting Squabbles are equally disgraceful and useless. They know the Man sufficiently by this Time, and ought to act upon that Knowledge. Hastings is actually in Possession of full Power and drives furiously. I do what I can to keep Barwell in Order merely to save a few Individuals whose Existence depends on me.

I intreat you to tell me plainly what we are to expect. Such is the State of 97, 82, 64, 79, 19, 62, 18, 35, 52, 27, 31, 13, 73, [my fortune] that after another Year 23, 32, 11, 3, 7, 74, 27, 26, 53, 86, 20, 17, 16, 77, [I need not trouble Bengal]. . . . I beg of you to tell me plainly whether I am to expect any Favour from Government or not, particularly whether in any Event the 15, 85, 90, 16, 9, 25, 51, 43, 30, 32, 8, 16, 26, 73, 38, 89, 17, 51, 20, 32, 14, 6, 33, 16, 3, 1, 73, 41, 39, 59, 62, [Chief place here will be given me]. That once supposed unobtainable, my Resolution about Bongal will soon be taken. The General has not been able to attend Council since August, but he writes Minutes with a Vehemence more from Spite and Disappointment I am firmly convinced, than any other Motive. (z. z. y. y. x. x.) Hastings seems determined to give us no Quarter. I am unable to express to you how weary I am of my Situation. But I will not relinquish it without the Consent of those Persons to whom I am indebted for it. The sooner that Consent comes, the happier it will make me ; I shall quit Bengal with no other Regret, than that it was not in my Power, while I was sure of the Means, to save so many wretched People from Destruction.

(Francis MSS. No. 36, pp. 871-9.)

No. 4*d*. *Francis to H. Strachey. Calcutta*, 22nd Dec. 1776.

I send Mr. Ellis by this Ship a Volume of Papers on the Subject of the Governor's Schemes for a new Settlement. The Draught of my Reply to his last Minutes is not yet corrected in a State fit to appear before the Court of Directors. I mean to send it Home by one of the last Ships. In the Meantime I wish it to be attentively considered by yourself and Mr. Becker, and if possible by Mr. Wedderburn. The Question is, *Bengal or not Bengal ?* One Way at least, I am nearly at the End of my Toils. I have lost my Brother and my Friend. . . . Trust me General Clavering is not long for this Country, or for this World, if he stays here. He does not know his Danger. My own Health is good. As far as that goes, I can set my Opponents at Defiance.

(Francis MSS. No. 36, p. 893.)

No. 4*e*. *Francis to Welbore Ellis. Calcutta*, 21st Dec. 1776.

I must continue to solicit the Honour of your Attention to a Subject, which assuredly deserves it, if any Thing can, that relates to Bengal. If the Situation of Affairs at Home or in America will not permit the Minister to apply his Thoughts immediately to any other Question, however important, it is my Duty at least to prepare the Materials for him, whenever he may be more at Liberty to enter into the Consideration of them. In the meantime, it may be of great Consequence to the public Service that you and my Lord Barrington should be possessed of the

Subject, and be enabled to prepare the Minds of Men in Power for a more attentive Investigation of it by giving them a general and distinct Idea of its Nature and Extent.

My late Letters by the Nassau will have informed you of the Measures taken by the Governor, in View to the Formation of a new Settlement and of the Opposition they have met with here. The inclosed Paper, No. 1, contains a Motion from him tending to a direct Assumption of certain Powers into his own Hand, which in General Clavering's Opinion and mine, could not be legally conveyed to him by any Act of the Council. We have accordingly protested against and refused to sign—the proposed Orders to our provincial Councils. When you have considered this Paper, I must beg the Favour of you to send it with the accompanying Letter to Mr. Wedderburn, whom I have also addressed on this Subject, by the Way of Suez.

No. 2 contains the Governor's last Minutes in Explanation of his Plan, with the rough Draught of an Answer to them. . . . On Points of this Nature it may be of Consequence, that some Persons in Authority at Home should have the earliest Information. It is my Desire, therefore, that these Papers may be communicated not only to my Lord Barrington, but to as many other Persons as possible—I mean of those who may be likely to read them and that Mr. Strachey in particular, might have an Opportunity of taking a Copy of them.

Admitting Mr. Hastings's proposed Investigation to be in any Degree necessary, it seems natural to ask why is a new Office established at the Presidency under his exclusive Direction and black Officers deputed from thence, creating a heavy Expense, and introducing a divided Authority into the Districts, preferred to the regular Channel of the Board thro' their Representatives, the provincial Councils, and to invest him with a Power of Inquisition into all the landed Property of the Country, and to distribute the Assessment as he thinks proper :—in Effect to make him sole Arbiter of the present and future Condition of the People. In Point of Form, he ought not to have voted in a Question for giving Powers to himself ; but if such Powers may be lawfully given him by his own and Mr. Barwell's Vote, against that of the two remaining Members, you see to what a State we are or may be reduced.

Again, Sir, I most earnestly submit myself to your friendly Judgement, to determine for me in what Sense or to what Degree, my continuing in Company with such Men, and a disarmed Spectator of such Measures, can be of Advantage to the public Service.

(Francis MSS. No. 36, pp. 961-7.)

No. 4*f*. *Francis to Welbore Ellis. Calcutta*, 23rd Dec. 1776.

I have the Honour to inclose to you a Copy of a Letter from the Governor and Mr. B. to the Court of Directors, with my Answer to it. The first was not communicated to me until two Days ago, tho' I have Reason to believe it was privately sent Home by the Way of Suez. Such are the Advantages taken of us.

In effect, Sir, I hold all Appeals to the Court of Directors to be a mere Matter of Form, and would not give myself the Trouble of answering

these Gentlemen, if I did not hope that the Determination of the Company, on every Question submitted to them by us would be guided by the Sense of Government. If that Hope should be disappointed I know the Consequences to myself : but in Truth I shall lament Nothing but the Consequences to England and Bengal. The first Men in the Nation ought to be consulted on many points, which at present appear subject to no Jurisdiction, but that of the People in Leadenhall Street ; who for many Reasons, as well as immediate Interest which they have and of Capacity, which they have not, are by no Means competent Judges of such Questions. Yet this is the Tribunal, before which I am to appear.

With respect to all my Letters and all the Patronage I may hope for in England, I consider my Lord B. and yourself as one Person.

The Minister's more important Occupations will not permit him to take any Sort of Notice of me, nor can I reasonably expect it. But I have great Reason to think that Mr. W. is well disposed to me, and that when Occasions offer, he would be ready to support me.

If you have Interest enough with him to engage him to read the Papers I have transmitted to you, it may be of Service to me in many Quarters. At the same Time I know how little Leisure he has for such Reading, and am fearful of intruding upon him. You will judge for me. . . .

(Francis MSS. No. 36, pp. 915-18.)

No. 4*g*. *Francis to General Fraser. Calcutta,* 10th Feb. 1777.

. . . After an unsuccessful Contest of two Years, I think I may withdraw from it without Discredit. Whatever may have been the Reasons for continuing Mr. Hastings in the Government, after a deliberate and repeated Condemnation of almost all his Measures, I conclude it was not meant that he should have the highest Station without Authority, or that the Influence of the Chief Executive Magistrate of the Government, who, in many important Instances is the only active Part of it, should not preponderate in his Council. I yield to the Judgement which in Effect has been given in his Favour, leaving it to him to answer for the general Use or Abuse of the Powers entrusted or devolved to him. A Deviation, in one capital Instance from this Plan of Conduct will, I hope, be sufficiently accounted for and justified by the singular Importance of the Occasion. The Question, which has again engaged me in a direct Opposition to Mr. Hastings and in a Contradiction to him, which from its Nature will admit of no Compromise, does, in my Judgement, affect not only the immediate Well-being, but even the Security of the territorial Acquisitions, and to lead to a Decision *de facto*, whether they shall be a Benefit or a Burden to the Ruling Power. On this great Question we differ in Principle, and never can agree in any one Conclusion.

The Papers, which I have now the Honour to transmit to you, will, I think, give you a clear idea of the profest and public Object of Mr. Hastings's System. The real Drift of his present Measures may be collected from a Comparison of them with his actual Situation, and with Circumstances which personally and peculiarly belong to him. The Intelligence from England, I presume, advises him to rest all his Hopes of Protection and Safety on the Support of the Company in their commercial Character and

in Contradistinction to their Interests, as the Possessors of the territorial Acquisitions. But he is to look to this Company as represented by the general Court of Proprietors, not by the Court of Directors. Their Note of the 17th of May 1776, has already saved him, or at least, protracted his Fall. At any rate therefore, he must express his Gratitude to the Court of Proprietors, and endeavour to captivate their Favour. The Country must be racked for Revenue and Investment, while there is a Drop of Blood in its Veins. Whether in the End he succeeds or not, the System itself supposes the Necessity of assuming unlimited Power directly and exclusively into his own Hands. To obtain Possession of such Power, it was necessary for him to pass certain Resolutions of Council, by his own casting Voice and Mr. Barwell's, against which General Clavering and I have protested as illegal. Mr. Wedderburn can inform you of the Particulars. You will judge for yourself, whether the avowed Motives for taking so many violent Steps are sufficient to account for them. I mean only to furnish a Clue to lead you thro' the perplexed Labyrinth of Mr. Hastings's Views and Conduct.

With respect to the public Difference between us, as it stands represented in our Consultations, I presume to say that it is of as much Consequence, as any Thing can be, which touches the Fate of Bengal, that the real Question should not be artfully shifted here, or mistaken in England. Supposing all Consideration of moral Right or Wrong to be discarded by Agreement, and that we have Nothing to consider but the Expedience of a political Measure (by which I mean to renounce every Advantage in Argument, which Mr. Hastings would call unfair) the Question will stand strictly thus. Is it meant to draw a permanent or only an immediate Benefit from the territorial Acquisitions ? In this Question, I do not suppose a Distinction of Interests between the East India Company and the Nation at large ; for, if I did, another Question would then arise out of the Decision on tho first ; viz., supposing it to be determined to draw the greatest possible Profit out of Bengal, while under the Company's Management, I would ask, by what Power and from what Resources is this immense Territory to be defended, when the previous Resolution to strain and exhaust it shall have been accomplished ? Let me not be understood to admit, that the real Interests of the East India Company, in any Sense or Character whatsoever, would be consulted by such a Resolution. A Distinction must be made, and I am sure is made between the Body corporate, whose true Interests are of another Nature, and the Individuals, who immediately compose it.

The Determination of the first Question will include a Decision on the respective Merits of Mr. Hastings's Plan and mine. All I desire is that our Superiors may really know what the true Question is, and to what Consequences their Decision leads. I greatly fear that Bengal has been slighted too long, and that the Pressure of immediate Difficulties elsewhere will not permit the Ministry to guard against any Mischiefs in this Quarter, while there is Hope that such Mischiefs are at a Distance. You will remember that I am writing without the smallest Knowledge of the State of Affairs in Europe and America, or of any Events which may havo happened in England since May last. I can judge of nothing, but of that Part of the Empire, which is, in some Degree, committed to my Care.

On the Death of Col. Monson, I had Hopes that Mr. Hastings would

have acted with Temper and Moderation. His own Situation seemed to demand it of him, not less than that of the Government, and his Professions were conformable to both. Whether his present System be truly wise on public Ground, or only artful on that of personal Views and Interests —or whether, even in this Sense, they are perfectly judicious or only cunning and perplexed, are Questions, on which, I, who am a Party in them against him, will not presume to decide. I apprehend no Danger, however, but that they should not be understood. I must now, Sir, solicit the voluntary Favour you were pleased to offer me ;—that you would engage the Attention of your Friends to the Papers I send you. The Gentlemen, whose Names you mentioned to me, stand high in my Opinion. Such Men must, at all Events, be consulted in the last Resort, when perhaps the Remedy may no longer be within the Reach of human Wisdom. It is my earnest Wish, that the wisest Men in the Nation should take Cognisance of the Cause, before the Subject Matter of it is intirely wasted. A single Glance over the actual State of this Part of the Empire, I should think, would be sufficient to alarm any Man, who is not totally indifferent about the Fate of the Whole.

(Francis MSS. No. 49.)

No. 4*h*. *Francis to Lord North. Calcutta*, 14th Feb. 1777.

In my Letter of the 20th of Nov. I gave your Lordship Notice of Mr. Hastings's Designs for a new Settlement. In my Judgement, the Country is already reduced to such a State of Desolation, that even the Spirit of Plunder would suffer it to revive, if it were not for the Prospect of an early Dispossession. It is not easy to speak of such Measures with Moderation. E'er long they will force themselves into View and command Attention.

The Governor's Aumeens are dispatched into the Districts, fifty of them immediately from the Capital ;—and under them, I am assured, near two Thousand of inferior Rank, so that every Village will have its Inquisitor, to whom not only the Zemindars and Talookdars, but the Peasants, down to the naked Wretch who tills the Earth, must pay a Tribute. The Misery of the whole People is truly inconceivable by any Man, who has not seen it.

The Plan of the Company's Government could produce no other Effects,—but Mr. Hastings's present System aims at the final Destruction of the Country, in a Manner more avowed and direct, than was thought of by any of his Predecessors. I have exposed it minutely to the View of the Court of Directors, not so much for their Information, as for that of His Majesty's Servants :—and I submit to Judgement. Supposing it to be meant to appropriate by Force the intire Rents of the Country, under the Name of Revenue, and that this System should be approved of or connived at, two Questions must be considered ; can the Country be held on that Principle ; or, if the Profit be only temporary and immediate by what Means is the Possession to be secured and defended in Future ? Mr. Hastings acts consistently with the Views of the Company, if they look to nothing but instant Profit and still more so with the particular Circumstances of his own Situation. Besides all the immediate Advantages of Ostentation at Home, he will have the Accounts of all the landed Property of Bengal in his Possession, and of course, every Proprietor at his Mercy.

The Accounts will be sunk, and all future Inquisition into past Transactions defeated. Such at least I believe to be his Views.

The Steps, already taken by the Legislature to save this Territory, have unfortunately proved ineffectual. I fear the radical Defect of the Bill was, that it obliged Men to act together who, besides a considerable Difference of personal Character, represented different Interests, therefore, never could unite, unless it were in Collision ;—and that it left the Reformation of Abuses to be accomplished under the same Authority (I mean the Company) under which they had grown. I intreat your Lordship to receive this Observation as it is meant ; for I can find no Excuse, but in your Lordship's Goodness and Candour, for hazarding an Opinion so little likely to do me Service in any Quarter.

I despair of any Amendment, as long as the Interests of the Company, and those of Bengal, are committed to the same Hands. As the Former are understood, they are in fact, incompatible. If the territorial Acquisitions are to be preserved, it must be under a System of Government, which does not refer all its Measures to the supposed Rights or Interests of a Body of Merchants, under Colour of which their Servants in Reality take little Care of any Interests but their own. The Measures pursued here, under Pretence of securing every Thing to the Company, will e'er long, be found not less ruinous to their true commercial Interests, than to the Country itself—They feel this Truth already, in the debasement of the Manufactures, and in the enormous Increase of the Price : but every Consideration of Justice and Prudence, is absorbed in the vain Idea of unlimited Revenue and immediate Returns. I do not presume to trouble your Lordship with Details. The Argument on both Sides appears on our Consultations, of which several Copies have been sent Home. The Case is urgent. I presume to say from Knowledge and Conviction that, if the Interposition of the Legislature was necessary in the first Instance, it is much more so at present, and that it cannot be effectual to its own Purpose, if it be much longer delayed. . . .

I shall do myself the Honour of informing your Lordship, by the last Ship, of the intire Amount of the Investment. When once the Fact is established in your Mind, that Mr. Hastings's Resolution is to raise the greatest possible Revenue here, and to send the greatest possible Investment to England, during the Continuance of his own Administration, your Lordship will judge what Favour he courts, and what Protection he appeals to, or whether his real Objects can be accomplished without Distress in every Sense to the Country, and even ultimately to the Company.

In Opposition to my Representation of the Decline of Bengal, I know that the Surplus of Money in our Treasury, after paying off the Bonded Debt, and providing for all Expenses, will be stated in pompous Terms to the Company, and probably to your Lordship as an Argument of Fact, by which all Speculations are superseded. I most humbly and earnestly desire, that, before any Weight is given to this Kind of Evidence, it may be considered whether the Proof does, or does not, apply to the Proposition. If Bengal and Bahar be *not* in the State in which I represent them, they ought to pay the Revenue, at which they have been taxed ; or, if that be not insisted on, they ought at least to pay their own Expenses, reckoning the Investment as part of those Expenses—Now, my Lord, observe the Facts. The Country is in arrear not less I presume than

150 Lacks of Rupees, in the Settlement of tho last five Years. Let us pass by this Deficiency, however, and attribute it to an excessive Overratement. The second Question remains to be answered. The Army is properly Part of the Establishment of Bengal. If a foreign Power pays one third of it, an equal Saving should appear in our Treasury. If the same Prince pays us certain Sums of Money for Property which we have sold him, those Sums are in Effect a Present to the Treasury of Bengal.—And if by Treaty we have acquired the Tribute of a new Province that Tribute should not be confounded with the Revenue of our former Acquisitions, from which it is intirely distinct. The annexed Paper states the Amount of the Gains and Savings on these three Heads. By comparing it with the Balance in our Treasury, your Lordship will see what our Condition would have been, if the Government of these Provinces had been confined to the Resources, which properly belong to them, and on which alone we had any Right to rely, when it was proposed to pay off the whole Bonded Debt. You will also judge, what our State will be, whenever Bengal is obliged to pay its own Expenses. The Country may do it undoubtedly, but it must be under a System very different from that, under which it is plain that it could not have paid its Debts and provided for its own Establishments.

The Materials, which I sent Home about a Year ago, will, I hope, have enabled the Company or Government to determine on what Principles the Revenues of Bengal ought to be settled hereafter. In Support of my own Plan I might at that Time have availed myself of an Authority, which would undoubtedly have had Weight with your Lordship. I declined appealing to it then, from Motives of personal Respect and Attention to General Clavering, and in the Hope of obtaining his intire Concurrence in the Plan. [Encloses a copy of Monson's letter which the latter had proposed to forward to Court of Directors.] He was a thoughtful Man, and little apt to decide hastily on such great Questions. He gave the Plan a most minute, and attentive Consideration, and was ready to have staked his Credit upon the Success of it. I will now tell your Lordship fairly the Defects of that Settlement.

First, it still demands too much from the Country, notwithstanding that Remission, which General Clavering said was dangerous and unnecessary.

Secondly,—It supposes too great an Investment for the Company.

I have little to say in my Defence, but to intreat your Lordship to recollect, who are my Colleagues—in what Circumstances I am forced to act, and before what Tribunal I am to be tried. Taking all Considerations together, mine is not a Situation in which perfect Right can be done. The Faults of the Plan, however, may be corrected at Home. You see the Resources of some Years at least; the Distribution and Application of them may be altered by Powers, with which I am not vested.

(Francis MSS. No. 49.)

No. 4*i*. *Francis to C. D'Oyly. Calcutta*, 14th Feb. 1777.

I inclose to you, in great Secrecy, a Letter which I write by this Ship to Lord North. The Documents, to which it refers, have already been

sent to Mr. Strachey, to whom I would have this Letter communicated. They have also been sent to Mr. Ellis and General Fraser. This is positively my last Effort to draw the Attention of Government to the State of Bengal. I am sometimes tempted to give up the whole Thing in Despair, and sit down quietly and enjoy my Salary with Indifference—But my Heart recoils from such a Resolution, and will not suffer me to abandon these wretched People to the horrible and unparalleled Oppression under which they groan. In the History of the World there is not an Example of such a Tyranny as this.—The Natives, when they meet with an Englishman to whom they dare speak, ask seriously whether the English believe there is a God. Even before our Representations went Home, the Facts seem to have been tolerably well understood. They could not at least be better described than in a Speech, which I see attributed to Sir William Meredith, in the Debates of the House of Commons in April 1773. . . . I wish you to tell me plainly how I am considered at Home, and whether the unremitting Industry and indefatigable Labour, with which I have applied myself to this harassing Task, have made any Impression in my Favour. Yet the mere Labour constitutes but an inconsiderable Part of the Toil, Difficulty, and Anxiety, which have fallen to my Lot.

(Francis MSS. No. 49.)

Nos. 5.—Letters of John Robinson to the Members of the Bengal Council; Hastings' Resignation

No. 5*a*. *To General Clavering*. *Treasury Chambers*, 11th Nov. 1776.[1]

Lord North had the misfortune a few weeks ago to break his arm and he has not yet recovered the use of it so freely as to be able to write much. I have his orders therefore to acknowledge the receipt of the several letters you have favoured him with, and by this opportunity of Sir Edward Vernon's coming with His Majesty's Ships to write a few words to you on the present state of India affairs in this Country—You will have heard from many of your Friends the transactions of the Court of Directors respecting the removal of Mr. Hastings, the alarm taken thereon, the various parties formed, from self interest and preservation, by different connections, the Opposition joining them with the view to entangle and distress Government, and the event of all this by the ballot taken to obtain the sense of the Company at large thereon. I shall not therefore trouble you with it, espccially as it is now, thank God, at an end by Mr. Hastings' resignation. Sir Thomas Clavering would write to you also the circumstances respecting the Red Ribband which His Majesty has been graciously pleased to bestow on you, as a public testimony of his approbation of your conduct [" at Lord North's Request "—erased], and which comes out by the same conveyance with this letter, from which it is equally unnecessary for me to say anything upon this, and therefore I shall proceed to obey Lord North's commands to thank you for the several letters you have favoured him with and all your enclosures, papers

[1] Similar but briefer letters to Monson and Francis.

and observations. The several transmissions have been in part digested and are going on with ; when the volumes of papers which have been sent are thrown into order the state of the evils which have so long prevailed will more clearly appear and the means to prevent the mischiefs will be more easily ascertained. The Directors propose to correct the abuses. The opinions of Council are ordered to be taken how to proceed, prosecutions most probably will be ordered to be commenced in Great Britain, where the evidence will warrant, and the Directors talk of sending out orders to dismiss all those persons who shall be found guilty of any flagrant breach of their Covenants or to have acted highly oppressively or improperly.

By the Company's ships therefore, you will probably hear decisively on several of the points you have wrote about, but whether you may so soon hear respecting the proceedings of the Courts of Justice, I can't with certainty say, altho' the papers have been long since referred to His Majesty's Law Servants ; the whole, however, is before them and they will be pressed for their opinions thereon, as expeditiously as may be. The Resignation of Mr. Hastings it is hoped here will have the best effect towards confirming an union in the Supreme Council and enabling you to establish a permanent system of Government founded in rectitude and strength, for the happiness, prosperity and welfare of Bengal.—The accounts you have hitherto transmitted of the present wealth and affluence of the Company in that Country has and must continue to have the most pleasing good consequences and will put the Company's affairs at home in the most flourishing situation ; Lord North trusts that you will proceed in this noble work with the same ardor, ability and firmness and virtue with which you began it and have hitherto gone on, and doubts not but that those Provinces will then become to this Country a source of great wealth and riches bringing to it a most valuable trade, by securing its possessions and the happiness of its subjects under a mild and benign, yet firm and established Government. It is not to be expected that every Regulation proper for this end can be effected in the present state of that Country when Government here is entangled with the claims of the Company, but it is hoped that during the present Act such lights may be obtained as will give sufficient information for this work against the expiration of the Charter which indeed draws so near that it is probable it must come under the consideration of Parliament in the beginning of the year 1778. Lord North directs me to assure you that the several observations and plans which have been transmitted shall have an attentive and deliberate consideration, and that he shall be very happy if by anything that can be done here, such assistance can be given you as to render your task and situation more easy and more agreeable. Mr. Hastings quitting the Government his Lordship trusts will conduce to this, and he directs me to add that few things will give him greater pleasure than to contribute to it. Mr. Wheler who is nominated to supply the vacancy in the Council occasioned by Mr. Hastings' resignation is I believe very well known to you, he being Chairman of the Company and firmly supporting you, when we battled your appointment, it is as such unnecessary to give you any account of him, but I hope you will not disapprove my trespassing so much as to assure you that he will come out with the most determined inclination to act with the Majority and to support strenuously a system

of Government for reforming the abuses in Bengal and establishing the prosperity of the Company and the happiness of the people : He will scarce be able to leave this Country before the last ships and consequently his arrival with you can scarce be expected before September next.

(Robinson Collection : rough drafts.)

No. 5*b*. *To Hastings. Treasury Chambers*, 11th Nov. 1776.

Lord North having had the misfortune to break his right arm a few Weeks since, tho' greatly recovered, is not yet got so well as to have the free use of his pen—I have it therefore in command from him to acknowledge the receipt of your several letters, to thank you for them and the Plans you have transmitted him, and to assure you that the papers shall be attended to, and duly considered.

(Robinson Collection.)

No. 5*c*. *To Barwell. Treasury Chambers*, 11th Nov. 1776.

Lord North being prevented writing from an unlucky accident which he met with a few Weeks ago in breaking his right arm, directs me to acknowledge the receipt of your letters you favoured him with and to thank you for them—I have it at the same time in command from his Lordship to assure you that your observations shall have due attention, and that if from the Information received such Regulations can be made as will effectually establish a permanent System of Policy and Government for the prosperity of that Country and the happiness of the People, it will give his Lordship the most peculiar satisfaction.

(Robinson Collection.)

No. 5*d*. *To Sir J. Clavering.* 26th Apr. 1777.

I could not let Mr. Wheler come to Bengal without saying a few Words altho' it is almost needless, since he has promised to explain to you all the various Transactions here relative to Bengal Affairs better than it is possible to do by Letter, having taken a warm and active Part in them thro'out in your Support. You will from him find that Lord North hath given you and the Majority every possible Assistance but that we have been defeated by Party, joined with Friendships, personal Connections and interested Views ; believe me, however Appearances are, nothing more could be done, and that Time and Perseverance only can succeed in East India Politics or the whole be corrected on the Renewal of the Charter. Mr. Wheler comes out with every Wish and Determination to give you Support that can be desired, and it is trusted that Mr. Hastings will come away on receiving Accounts of the Transactions here in the latter End of last Year. I most sincerely wish it and then hope that good Government will take place and Opposition can't again rear its Head.

Endorsed " by J. Wheler ".

(Robinson Collection : draft copy.)

No. 5*e*. *To Sir John Clavering.* 10th July 1777.

I have been favoured with your Letter of the 12th Aug. and on the 26th of April. I wrote you by Mr. Wheler, which I hope would come safe. The Account which was received of Colonel Monson's Death, just on the Point of his Departure occasioned an Alteration in Mr. Wheler's Appointment after he had left London, but it was all got regularly settled so as to prevent Dispute or run the Hazard of Mr. Hastings' staying on this change of Affairs, which is certainly very unfortunate, and much lamented by all. Sir Eyre Coote is nominated now to succeed Mr. Hastings, as one of the Supreme Council, but his Appointment not yet completed, expecting to hear from Bengal by the next ships, it will however be finished before the Sailing of the Ships of the ensuing Season and he will then come out. Your Letters desiring to be recalled give Concern to everyone. The Conduct you have held thro'out all the arduous Business in Bengal now strikes the Minds of the Directors forcibly, it was before evident to all disinterested, dispassionate Men, had its full Weight and was admired; but it now operates as it ought in Leadenhall Street and they really seem anxious of giving you every Support. They have wrote to you strongly and earnestly requesting you to stay and they I believe now most sincerely wish it. They have too as strongly reprehended Mr. Hastings for his Conduct and the Dispatches are such as I apprehend he must most severely feel the Censure of. Mr. Wheler as I mentioned to you in my last will by personal Conversation explain to you all the Manoeuvres and Transactions of the India House which it is impossible to do by Letter; since his Departure nothing Material has passed relative to Bengal but what is contained in the Dispatches sent you. The Directors and Proprietors have been employed in the Affairs of Madras; Those too, however, have been at last settled and Mr. Rumbold comes out and will forward this Letter to you—He will come to India with the best Intentions and most fixed Principles to act with you—He has given the most solemn Assurances that it is his Determination to support the System of Government, to advise with and concur in the Plans which may be settled with the Supreme Council and to act as in one Body for the Protection, Safety and Welfare of the whole of the Possessions of Great Britain in India. He has desired me to acquaint you with these his Resolutions and Sentiments and on his Arrival in India he will write to you himself. Thus we hope there is a pleasing Prospect of an Union of all the Governments for the Prosperity of the whole, for a Wish that the same Conduct may be adopted, will be expressed to Mr. Carnac. . . .

. . . The Proceedings of the Supreme Court are by the Directors putting in a Way to be brought before the Privy Council, and the near Expiration of the Act of Parliament for establishing the Supreme Council and of the Company's Charter must all be taken into Consideration as well as the distracted State of the Carnatic.—The several Observations which you have made in your Letters, and particularly the several Propositions in your Letter of the 23rd Aug. 1776, will be most useful to this End, and I beg you will be assured that I will not fail to lay them before Lord North for the fullest Consideration at the Moment the Business comes forward.

(Robinson Collection.)

No. 5*f*. *To Sir John Clavering. Treasury Chambers,* 1st Dec. 1777.

. . . I expressed to you the Concern an Idea of your Return gave to Lord North and to all here, and the Hopes which were entertained that after the Receipt of the despatches which must have arrived in Bengal in May last, Mr. Hastings would quit the Government : The subsequent Dispatches from the Court of Directors are still more expressive of their Disapprobation of his Conduct, and are, as earnest on the other Hand, in their Request for your Stay, placing their utmost Confidence and Reliance in your Conduct and Honour, and having the highest Opinion in your great Attention to their Interest—The Dispatches which now come out are no less strong against Mr. Hastings' Conduct and in the Approval of yours and Mr. Francis :—You will see thro'out their whole Correspondence a Change of Measures in the Direction, and as its the true Interest of the Company, so it is now their real Desire, to support you in everything and their most ardent Wish that these Dispatches may meet you in Bengal. If what they have already done is not sufficient to shew Mr. Hastings the Necessity of his quitting the Government ; and if Accounts of his having done it, are not very soon received, I believe they will proceed to other Measures, indeed they are inexcusable for not having done it, before, but such Bodies are not always guarded by the line of Propriety. I trust however, they are now fully sensible of the Error of their former Conduct and that they will act with becoming Spirit and Dignity—Sir Eyre Coote, has, I believe consented to come out as Commander in Chief on the Supposition that you are Governor and a Vacancy is thereby occasioned of that Office ; this must bring the Business forward to Decision, and in case Accounts are not soon received that Mr. Hastings has quitted the Government Sir Eyre can't come out without Mr. Hastings' Removal agreeable to the Act of Parliament. By the next Ship, therefore, or however, by some of them of this Season you may expect to hear of their further Proceedings herein, but in the Meantime it was Lord North's wish that I should write to you.

(Robinson Collection.)

No. 5*g*. *Clavering to Francis.* 2nd July 1777.

I send you a number of Extracts and Postscripts of the Letter received from the Court of Directors, as also the Draft of our Letter to them and to Lord Weymouth. We ought [to] send a complete copy of each to Sir Edward Hughes and to Sir Edward Vernon, to Mr. Stratton and General Carnac. With the Letters which we write to Sir Edward Vernon and Sir Edward Hughes, I think we ought to send Extracts of Mr. Robinson's Letters to yourself, Col. Monson and me, to convince them that the King's Ministers consider Mr. H's Resignation as having actually taken place and to explain that Mr. H. besides defeating the evident Intention of the King's Minister and the Court of Directors and indeed of his own Declarations by his Attorney Mr. Maclean by his continuing in the Government, the most pernicious Consequences are resulting from it here. That altho' near three Months are elapsed since the Expiration of the late Settlement made by the Committee of Circuit, he has not taken any Step to make a

new one. That if it is longer delayed the Revenue of the Country is likely to be lost. For these Reasons we hope Sir Edward will lose no Time in despatching our Letters as quickly as possible to England.

(B.M. Add. MS. 34287.)

No. 6.—Directors' Despatches, 25th Oct. 1776–28th Nov. 1777 (Extracts)

(1) 25th Oct. 1776.

Notice of the acceptance of Hastings' resignation tendered through Macleane. . . . "If Mr. Hastings shall resign before the arrival of Mr. Wheler the business of the Presidency must be conducted by the remaining gentlemen of the Council, agreeable to the Act of Parliament, but independent of such resignation he will of course remain in and execute the office of Governor General till Mr. Wheler's arrival."—[This paragraph erased—Despatch brought no notification of the appointment of Clavering to the office of Governor General.]

(2) 24th Dec. 1776.

§ 34. The Directors approve "the removal of Munny Begum from the office of Guardian to the Nabob". . . . "The easy prey which the Nabob has been made to his menial servants and their utter want of ability, integrity and attention to render him in any degree respectable even in the eyes of the natives, are circumstances which have led us to reconsider our instructions to our late President and Council respecting Mahomed Reza Cawn. We were always of opinion that an able ostensible minister during the minority of the Nabob would be necessary and late events have but too strongly confirmed us in such opinion; and as the abilities of Mahomed Reza Cawn have been sufficiently manifested, as official experience qualifies him for so high a station, in a more eminent degree than any other native with whom the Company has been connected and as no proofs of maladministration have been established against him, either during the strict investigation of his conduct, or since his retirement, we cannot, under all circumstances, but approve your recommendation of him to the Nabob; we are well pleased that he has received that appointment and authorise you to assure him of our favour, so long as a firm attachment to the interest of the Company and a proper discharge of the duties of his station shall render him worthy of your protection."

§ 36. "We are by no means prepared to decide upon that part of your instructions, which commits the administration of criminal justice entirely to the superintendence of Mahomed Reza Cawn, nor of his plan for carrying the same into execution; we observe it has had your approbation and therefore suppose it is at present operating in the country; but whether in the present state of things, such authority could be legally conferred on Mahomed Reza Cawn or whether his instructions to his inferior Phousdary officers will clash with the Jurisdiction of the Supreme Court, established by His Majesty's Charter are questions of too great importance for us to hazard a hasty opinion thereon. . . . Complaints against Supreme Court have been laid before the King's ministers and we await their decision.

Instructions to Mahomed Reza Cawn and his plan have also been laid before the lawyers and we will forward their opinions for future guidance."

§ 37. *Approve Treaty of Fyzabad.*—"It is with singular satisfaction we observe at any time, the attention paid by our servants to the great interests of their employers, and it is with particular pleasure we here signify our entire approbation of the late Treaty concluded with Asoph-ul-Dowla, successor of Sujah Dowlah by which such terms are procured as seem to promise us solid and permanent advantages."

§ 40. *Revenue Settlement.*—"Before we enter upon the very important consideration of measures to be pursued, and directions to be given, with respect to the new grants of leases on the Bengal lands, we are glad to testify our singular approbation of the care and attention of the several members of our Council in transmitting to us such accurate and clear statements and plans, as have given us great information; and we are only to signify our expectation that you will continue, from time to time, to furnish us with authentic and digested materials for regulating our judgment on this great department of your Presidency.

§ 41. Having considered the different circumstances of letting your lands on leases for lives, or in perpetuity, we do not, for many weighty reasons, think it, at present advisable to [enter so far into the subject as to] adopt either of these modes, but in the meanwhile, we direct that the lands be let for the succeeding year on the most advantageous terms and that none be in future let by public auction [as you are acquainted with their value therefore auction no longer necessary—erased note at side].

§ 43. We direct that demands be made for all balances and arrears of rent; if neccssary part may be remitted; we leave the matter to the discretion of our Governor-General and Council."

(3) 5th Feb. 1777.

§§ 8-19. Additional regulations relative to the letting of lands in Bengal.

§ 31. *On the Majority's Investigations into Abuses.*—"We flatter ourselves your investigations have rendered it unnecessary for us to enter minutely into all particulars brought to our view, as you seem determined to strike at the root of every evil discovered, and we observe with the greatest satisfaction that your laborious researches have in general been attended with the desired success; your conduct in this invidious undertaking appears to us highly meritorious, and you shall not fail to experience our firmest support in your laudatory endeavours to effect a thorough reformation of all abuses, more especially of those, which from their nature and consequences, must have operated to the distress of the country and to the great damage of the Company, of which we might still have remained uninformed, if attention to your duty had not prompted you to commence and prosecute enquiries into such unwarrantable transactions.

§ 32. Altho' it is rather our wish to prevent evils in the future than to enter into a severe retrospection of the past and where facts are doubtful, or attended with alleviating circumstances, to proceed with lenity rather than to prosecute with rigour, yet some of the cases are so flagrantly corrupt and others attended with circumstances so oppressive to the inhabitants that it would be unjust to suffer the delinquents to go unpunished. The principal facts have been communicated to our solicitor,

whose report we now send you and authorise you to take such steps as appear necessary."

(4) 16th Apr. 1777. *Raja Rajbullub.*

§ 56. "However the reasons might operate with you in adopting the measure, we cannot approve of your dismission of Raja Bullub from the post, which had been conferred on him as a distinguishing mark of regard and we should certainly give orders to reinstate him in the office of Roy Royan, but that we avoid taking such a step at present as might weaken your authority, which unless properly supported would lose part of that influence, so indispensably necessary for the direction of so extensive a government. However . . . we direct that you appoint him to the first vacant employment that may not be derogatory from the honour of a native of Raja Bullub's rank and consequence."

§ 80. *Concerning Sir John Clavering's Letters.*—"We testify our satisfaction in perusing the letters written to us by Sir John Clavering from the time of his arrival in Bengal, whereby he appears to have entered into many useful and laborious researches with a zeal and attention to the interests of the Company that claim our warmest approbation."

(5) 11th June 1777.

Concerning Clavering's Letter of Resignation dated Sept. 1776.—"When you conceived the design of quitting our service, we imagine you could not have heard of the resignation of Mr. Hastings. . . . We hope that this event has made an alteration in your first intention. . . . We further desire to express an appreciation of your services and pray you to remain or in any case to postpone the execution of the design for the moment."

(6) 4th July 1777.

§ 11. *Concerning the Recall of Bristow and the Reinstatement of Middleton.* —"As neither of those measures appear to us necessary or even justifiable they cannot receive our approbation—we find no shadow of charge against Mr. Bristow and therefore direct that he return to his station from which he has been so improperly removed."

§ 36. *Revenues.*—"In our letter of the 5th Feb., 1777, we expressed our apprehensions that a sudden transition from one mode to another, in the investigation and collection of our revenues, might have alarmed the inhabitants, lessened their confidence in our proceedings, and been attended with other evils; yet, as we were led to hope that such information had been obtained as would enable us to ascertain with a sufficient degree of precision, what revenues might be collected from the country without oppressing the natives, we felt some satisfaction in considering those evils as at an end, and proceeded to give such instructions as appeared to us necessary for your guidance in a future settlement of the lands.

§ 37. In this state of the business, our surprise and concern were great on finding, by our Governor-General's minute of the 1st. Nov., 1776, that, after more than seven years' investigation, information is still so incomplete as to render another innovation, *still more extraordinary* than any of the former, absolutely necessary in order to the formation of a new settlement.

§ 38. . . . We by no means disapprove the attempt to obtain further information, if it be necessary; but we are sorry that the conduct of the majority of the Council, on the occasion, has been such, as must have *our utter* disapprobation.

§ 39. To our concern, we find that, no sooner was our Council reduced by the death of Colonel Monson, to a number, which rendered the President's casting vote of consequence to him, than he exercised it to invest himself with an improper degree of power in the business of the Revenue, which he could never have expected from other authority.

§ 40. The Governor-General states, in answer to General Clavering's objections, that there is a clear and solid distinction between the powers of preparing materials and those of ordering, governing, and managing the Revenues, and adds, the Council have conferred upon him no authority, which he did not before legally and constitutionally possess. Without entering into the Governor-General's legal distinctions, we declare the powers assumed by him, with the consent of Mr. Barwell, such as we neither approve nor can permit to be exercised by any person whatever. We therefore direct, that no separate controul be henceforth exercised by the Governor-General, nor any order issued from any public office or otherwise in the name of the Governor-General only, except military orders in the garrison of Fort-William.

§ 47. The Minutes of General Clavering and Mr. Francis leave us little to add on this disagreeable subject. Their reasons against delegating a separate power of controul to the Governor are solid and judicious, and we are happy in declaring that their conduct on the occasion meets with our approbation."

(7) 28th Nov. 1777.

§ 15. The Directors disapprove the several measures adopted since the death of Monson has given the Governor-General and Mr. Barwell a majority.—"The conduct of the Majority has been so repugnant to the ideas of General Clavering and Mr. Francis, as to occasion dissents and protests"—therefore proceed to the consideration of certain particulars—condemn all appointments carried since Sept. 1776; also salaries paid to officers of the Supreme Court—endorse views of Clavering and Francis—approve their conduct as highly meritorious in every instance.

Nos. 7.—Hastings on the Resignation Affair

No. 7*a*. *Hastings to Lord North. Fort William*, 7th Sept. 1777.

Dispatches are preparing to be sent by the Way of Suez to the Court of Directors for the special Purpose of notifying to them the Death of General Clavering which happened on the 30th August. It is my Duty to inform your Lordship at the same Time, that this Event has made no Change in my Intention to continue in the Government, which I had the Honour to declare to your Lordship, in my Address of the 29th June, although my principal Motive at that Time respected General Clavering only. I acknowledge that were I to allow my own Judgement or Inclination to prevail, I know not a Man in whose Hands, I should be better pleased to relinquish such a Trust, than in those of Mr. Barwell, my

immediate Successor ! But when I look back on the past Transactiens, and see his Name and his Fortune, inseparably linked to mine, in every Effect which they have produced, but not, in which it was not possible to include them, I have no Cause to suppose that he would be allowed to keep it under the same Influence which required me to surrender it. Besides, my Lord, I have been instructed to believe that the adverse Measures, which have been taken against me, have not had my removal so much for their Object, as the Promotion of Sir John Clavering. It was the Pleasure of my Superiors to place him in the eventual Succession and something nearer, to this Government. The Will of God has otherwise decreed, and I presume that it will be expected from me as a Point of Duty, that I should still retain the Trust which has been committed to me, by a solemn Act of the Legislature, until some other special Provision shall be made for it. In my own Mind, I am inclined to conclude that this has been already done, that my Dismission has been effected, by a regular and specific Act and the vacant Appointments to this Council filled by unconditional and independent Commissions for I cannot bring myself to believe, that the Insufficiency of those alrcady passed can have long remained undiscovered, or the Insecurity of the Reliance which seems to have been placed in me for the Ratification of an Act which was designed for the Triumph of my Adversaries, and for my own Dishonor. Yet, my Lord, I can truly affirm, that it was my Intention to have ratified it, had not the Attempt been made to wrest the Government from me by Violence. I felt the Declaration made in my Name by Mr. Macleane, as an Engagement, which I was bound to fulfil, not from an Acknowledgement of any legal or moral Sanction annexed to it, but from a Conviction of the Goodness of his Intentions, a Sense of the Solemnity of the Transactions, which followed it, and the Knowledge of my Own Impotency to withstand so many Instruments, all of such force and all combined against me—All that remained for me to do under such a Situation was to yield to the Influence which overruled me, and to disclaim the means which gave it Effect.

Your Lordship will have been informed of the Occurrences which compelled me to depart from this Line, by my last Address, of which I have now the Honor to send a Duplicate, and by the detail of our Proceedings transmitted to the Court of Directors, with our Public Letters of the 30th June.

I have since judged it incumbent upon me to address a separate Letter to them in Explanation both of my Sense of the original Engagement of Mr. Macleane and of its obligation on me, and to notify to them my Resolution, in Consequence of what has recently passed. This was the first Time that I had written to the Court of Directors, since the Receipt of the Advices of my supposed Resignation. . . . I beg your Lordship's Permission to enclose a Copy of it, and to recommend it to your attentive Perusal. If further Evidence be wanting of my original and unchanged Resolution to retain the Government until a Decision should be passed upon my Appeals ; your Lordship's express and repeated Commands, and the repeated Assurances which I have had the Honor to give you of my Obedience to them are the strongest that I can offer to your Lordship. For these I trust to your Lordship's Remembrance.

My Lord, it is a Truth, for which I beg you to be assured, that I have no Design in this Address, but to acquit myself to your Lordship for the

Past, with a perfect Indifference for the Future. If it be your Lordship's Wish and his Majesty's Pleasure that I should remain in the Administration of these Provinces, I shall accept the Trust with a grateful Obedience, and an Ambition above all other Considerations, to fulfil your Expectations in it, and not without the Hope of doing Credit to your Choice. But unless I knew it to be your Lordship's Wish and His Majesty's Pleasure, that I should remain, no Consideration upon Earth shall prevail with me to solicit it. I wish to approve myself a profitable Agent to the Company, a Benefactor to my Country, a good and loyal Subject and Servant to my King. With Power and Confidence I might deem myself capable of answering all these Ends! Without both, my Perseverance would only draw down Shame and Vexation upon myself and Ruin on the Affairs entrusted to me, nor will I suffer the Remainder of my Days to be embittered by endless Contention.

(Robinson Collection, No. 143, 'Original'.)

No. 7*b*. *Hastings to Lord North. Fort William,* 2nd Oct. 1777.

Mr. Elliot's Arrival in this Country has afforded me the Means of acquiring a Knowledge of the late Occurrences in England respecting this Government with which I was before very imperfectly acquainted. It has unfortunately happened that the Want of these Lights has led me to take a Line not altogether such as I should have chosen on better Information. Till now I neither knew the Nature of Mr. Macleane's Engagements, nor the Degree in which his Faith was pledged, and pledged to your Lordship, for my Performance of them. Mr. Elliot has given me a perfect Comprehension of both. Though I cannot recall the Past, it may be in my Power to rectify it; and it is for that Purpose that I now trouble your Lordship with this Address.

It is probable that the Death of Sir John Clavering will have removed the Object for which my Resignation was required, and that it might be agreeable to your Lordship's Inclinations that I should still continue in the Charge of the Government, since it was no longer in my Power to surrender it into the Hands which had been destined to receive it. This Consideration might afford me a strong, or at least a plausible Argument to retain my Seat. But circumstanced as I am, I do not think myself at Liberty to avail myself of it. The Deference which I bear to your Lordship's marked Intentions will not permit me to hesitate to fulfil them on the mere Presumption of their having undergone a Change with the Change of the Circumstances which produced them; nor the Justice which is due to my Friend, Mr. Macleane, allow me to disappoint his Confidence in me. . . . I thereforo think it incumbent on me to declare to your Lordship, which I do in the most solemn Manner, that if any Person shall arrive in this Settlement who shall have been appointed in Form to succeed to the Vacancy occasioned by my Resignation, unless the Instruments of his Appointment shall run in such a Form as will give him a Right to a Seat in the Council both in the Case of my Resignation, and in the Case of the Death or Resignation of Sir John Clavering:—and unless that Person, whom I must of course conclude from his Nomination to Offices of so much Consequence as those of a Counsellor of this State and Commander-in-Chief to be particularly patronised by your Lordship, shall himself consent

to my continuing in my present Station until the Decision of the King and the Company shall arrive with Respect to the Vacancy occasioned by the Death of Sir John Clavering ;—I will immediately yield up the Government to the Member of the Council who shall be the next in Succession to it.

However different this Declaration may appear from the Letters which I have very lately written to your Lordship and to the Court of Directors upon the Subject of my Resignation, it is in Reality strictly conformable to the Principles asserted in both, and equally so to those which I have invariably proposed as will appear from the Instructions which I avow to have given to Mr. Macleane on his Departure from this Country.

(Robinson Collection, No. 153, ' Original '.)

Nos. 8.—Francis renews Campaign on Death of Clavering

No. 8*a*. *Francis to Gen. Carnac* (*at Bombay*). 30th Aug. 1777.

. . . When I inform you that my noble Friend, Sir John Clavering, expired between two and three o'clock this afternoon, after a most severe Illness, I need not endeavour to describe the Grief and Consternation, in which I and all his Friends are involved—yet, the Stroke is to me not unexpected. He has been for several Days in a Situation, from which I plainly saw there was no Recovery. Your own Reflection will easily suggest to you in what personal Distress I am left, and with what Dangers and Difficulties I am surrounded. But neither this nor any other Event will, I trust, be sufficient to conquer my Resolution and Perseverance in the Cause in which I was engaged with two of the most honourable Men that ever existed, notwithstanding they have fallen a Sacrifice to it.

(Francis MSS. No. 37, p. 181.)

No. 8*b*. *Francis to Lord North*. 4th Sept. 1777.

. . . Declares Clavering's death to be due to " Rupture over Succession to the Chair," then adds . . . " Two of the Men chosen and appointed by Parliament to contend with the Corruptions of this Country, and to save it from Ruin, have been the Victims of the Cause they were engaged in and the worst of Men now triumph in their Fall. I will not suppose it possible that after all I have done and suffered, your Lordship will leave me at the Mercy of the implacable Enmities that surround me. It is your own Cause, my Lord, and I have supported it steadily to the utmost of my Abilities. These Men, I presume, will not be suffered to rotain the Power they have so unlawfully and violently usurped, and to profit by the Mischiefs they have done. My Lord, the Occasion forces me to speak with a Freedom, which perhaps may not become me. Your Lordship will judge whether it does not touch the future Security of this Dominion, that the Acts lately done by Mr. Hastings and Mr. Barwell should not pass with Impunity and that the first Example of direct Resistance to Orders or Arrangements formed at Home should be marked by Penalties proportioned not only to the Magnitude of the Offence, but to the Importance of the Precedent. The Decision of that Question will include everything in which I can be personally concerned. Mr. Hastings's Determination to retain

the Government at all events was fixed and undoubted even before Sir John Clavering's Death, and notwithstanding any private Intimations he may have sent Home to the contrary, in order to amuse Government and to prevent any decisive Measures being taken against him, the same Determination is still possessed. What Effect the Arrival of Mr. Wheler and Col. Monson's Successor may produce is uncertain. If they think fit to unite with me, Mr. Hastings may be distressed and embarrassed, but I am thoroughly convinced he will never be brought to a voluntary Resignation. In one word, *he cannot quit the Ground he stands on.* Every other Danger is distant or inconsiderable in his Eyes, compared with the Consequence of being once dispossessed of the Government. He knows that the whole Country would instantly rise and witness against him. This is the Truth, my Lord, nor is it possible to account for his continuing so long in such a miserable Situation, as his has been, on any other Principle. *A Communication of Interests and Dangers* constituted his real Support in England. If the line taken by my future Colleagues should not be perfectly parallel to mine, I am content to run the Remainder of my Course alone. Whatever may be the Event, no Consideration in Life shall ever induce me to unite with these Men. The Principles I have acted on have been honoured with your Lordship's Approbation and Promise of Support, and I rely implicitly on your Protection. But if Circumstances, which I cannot foresee, should deprive me of the Effects of it, as they did General Clavering, I shall retire without Reluctance—But, my Lord, the Transactions I have been Witness to must no longer be buried at the India House. The Memory of General Clavering and Col. Monson shall be cleared and vindicated to the World, if I survive them long enough to accomplish the Task. My Health is good, and I trust my Resolution unconquerable.

(Francis MSS. No. 39.)

No. 8c. *Francis to Lord North.* 4th Sept. 1777.

Be assured, my Lord, that Mr. Hastings will never relinquish the Government till he is dragged out of it. His friends now affect to say that he will assuredly be continued. In the meantime he is taking measures to secure Mr. Wheler. . . . I shall do everything that depends on me, to counteract him. If that fails, I shall have the Honour and Distinction of standing alone in the Breach. In that case the sooner I am relieved the better. The present Majority have the country absolutely at their Disposal, and are making such use of their power as they have been accustomed to, and as the Occasion calls for. It furnishes them with Arguments, which convince most Men, and to which I have nothing to oppose. In short, my Lord, the plain Question is, " Shall the Country be left at the Mercy of these two Men or do you mean to save it ? " Three Years incessant Application have made me tolerable Master of Affairs. In a much shorter Time I do not think it possible for any Man with whatever Abilities, to qualify himself for the Conduct of them. Your Lordship will judge and I shall not complain.

With respect to myself, the Resolution at Home cannot but be decisive, at least in its effect. I have been lately employed in drawing up a Memorial upon the state of this Country and Government, which I hope will be of

some Service to His Majesty's Ministers, whenever a new and general Arrangement shall be under their Consideration.

(Francis MSS. No. 39.)

No. 8*d*. *Francis to A. Wedderburn.* 4th Sept. 1777.

. . . I cannot deny myself the Pleasure of saying a few Words to remind you, how much I am personally concerned in all these events [the death of Clavering]. I hope that the Freedom with which I have presumed to explain my Sentiments to my Lord North will not be disapproved of. In my humble Judgement, Sir, this is not a time to measure Terms, to soften Difficulties or propose Expedients. The public Question must now be met in Front; that is, it must be decided once for all, on what Principles Bengal shall be governed. I might more properly say, whether Bengal shall be kept or not. If such Decision should be delayed I cannot but believe that new Difficulties will grow out of old ones, and multiply to such a Number as will baffle and defeat any future Attempt to surmount them.

You will observe, Sir, that I am writing without any Knowledge of what may have been done in England since March last. If I should have been superseded my own Labours here and every Concern of my Friends for the Success of them will be at an end. If not, I commit the Care of my future Fortune to your Patronage and Friendship. If it be not thought fit to entrust the Government to me, let me be recalled with Honour. At all Events, let it not be supposed possible that I can act in any Situation under a Diminution of Character. At this Distance, you see, I am obliged to suppose Cases, which I ought to deem in the highest Degree improbable.

(Francis MSS. No. 39.)

No. 8*e*. *Francis to Welbore Ellis and Lord Barrington.* 1st Sept. 1777.

. . . I have explained my Sentiments and future Determination to my Lord North in Terms too clear to be misunderstood. The decision of the public Question will include everything, in which I can be personally concerned. I will neither act with these Men, nor submit to supersession. . . . If the Government be entrusted to me and if I am assisted by Men of real Character and Principle, I have no Doubt of as much Success in conducting it, as the ruinous and perplexed State of Things, in which it will devolve to me, and for which great Allowance must be made, can possibly admit of. Between that Choice, or the leaving Mr. Hastings, or Mr. Barwell, here—or the Appointment of a new Governor from Home, who must act without my Assistance, the Wisdom of Government will determine. Let me only observe that each of these Arrangements must stand distinctly on its own Bottom, and cannot be qualified by a Composition with any Part of the other two.

(Francis MSS. No. 39.)

No. 8*f*. *Francis to Lord North.* 13th Sept. 1777.

. . . Be assured, my Lord, that they [Hastings and Barwell] are now playing a deep and desperate Game to make the most of their Power

while it lasts, and that every Consideration bends to this single Object. The Settlement of the Provinces for the present Year is not completed at this Hour. . . . Our Situation, upon the whole, is so alarming, that nothing but profound Peace abroad, the Continuance of which we have no Right to depend on, can even give time for the Arrival of a Decision from Home, before some fatal Mischief happens here.

(Francis MSS. No. 39.)

Nos. 9.—Francis on Hastings' Accession to Power; the General Situation; Efforts to capture Wheler

No. 9*a*. *Francis to E. Wheler.* 4th Sept. 1777.

. . . I have now only to inform you that Mr. Palmer, a Gentleman most in Mr. Hastings's Confidence, proceeds on Board the present Ship on some secret Commission, the Nature of which I can only guess at. It seems to be highly probable that he is sent on purpose to meet you and Col. Monson's Successor, and to negotiate some terms of Accommodation with you: Let me conjure you, Sir, not to listen to such Overtures, nor to enter into Engagements of any Kind before you are perfectly possessed of the whole Situation of Affairs here. There can be no Difficulty now in your being admitted to your Seat. Mr. Hastings and Mr. Barwell are rotten at the Root and must fall. So circumstanced, they will offer and promise anything. To this State of the Facts your own Judgement will add everything that it is possible for me to suggest to you.

If Col. Monson's Successor should come out in the same Ship I must ntreat you to possess him of my Sentiments, and how earnestly it is my Wish and Hope that his Opinion and yours may concur with mine with respect to future Conduct. If I knew his Name I would not wait for a formal Introduction, but address myself to him directly by Letters. . . . [Proposes to meet him down the river.]

(Francis MSS. No. 39.)

No. 9*b*. *Francis to Welbore Ellis.* 18th Nov. 1777.

. . . My Task is truly the most invidious and wretched that can be imagined. I see universal Mischief prevailing around me;—I see Fraud,—Embezzlement, and Corruption in every Motion of these people. I contend with them on every inch of Ground, that I am able in any Degree to make good; but against a Majority and the Combination that follows it direct Proof is impossible, and, if such could be produced they would poison me and hang my Evidence. On the other hand, if I sat still, they and their People would immediately give out, that they had bought me. Most earnestly, most anxiously do I implore it of you and my Lord Barrington that if Hastings and Barwell or either of them are continued, you will obtain my Recall.

Whatever Mr. Hastings's real Intentions may be, his Language implies a Determination to stand his Ground to the last Extremity; and I must confess that judging from Experience, he has little Reason to fear that Punishment should ever reach him. . . . Both Hastings and Barwell have

had more Encouragement from Home, than I imagine you are aware of. I cannot help suspecting that there has been foul Play somewhere.

As to myself, Sir, dispose of me as you think fit, but if real and essential Services are expected from me, let me have real Confidence and Support. . . . Consider what it is for me to renew the Battle again with new Men, little known to me, and with less Hope of a Decision than ever. The Prospect, if that be the best of it, is enough to break the firmest Heart. . . . May I intreat you, Sir, to continue your personal Patronage of me, until I have the good Fortune to be relieved in one Way or other by a Resolution from England. I care not what it is provided it be decisive.

(Francis MSS. No. 39.)

No. 9c. *Francis to Edmund Burke.* 21st Nov. 1777.

. . . I could give you a History of myself and the Slavery I have gone thro', which I am sure would affect you sensibly, if your own Conduct did not convince me, that you deem no man unhappy, who is conscious of doing his Duty. Whatever your Ideas may be of political Characters in England, you have Men to contend with at the worst, and many of them honourable—but these are Devils. I am the last and perhaps not the least considerable of the Difficulties they have to remove.—The Climate, however, is not very adverse to me, and if I have fair Play at home, I think the Victory is only delayed.

. . . You and I, Sir, seem to be travelling up opposite Sides of a steep Hill—but I hope we shall meet near the Top of it. It is reserved for us, I trust to look back, from Stations not too widely separated, to the weary Steps we have taken—to compare the Difficulties we have surmounted, and to descend into the Vale of Life together. Are these Things possible, or do I suffer myself to be flattered by a sanguine delusive Imagination.—Whatever may happen hereafter it is my immediate Interest to encourage such Hopes—for how could I endure my present State, if no prospect of future Honour and Happiness were open to me !

(Francis MSS. No. 39.)

No. 9*d*. *Francis to Lord North.* 22nd Nov. 1777.

. . . The Circumstances I am now in, contending alono against every Advantage of Numbers, Treachery, and Cunning, will I trust, be considered in Time to prevent the irretrievable Ruin of Bengal. . . . To one Point I hope to be forgiven, if I am too urgent in soliciting your Lordship's Attention, I mean the defenceless State of Bengal. Admitting the Possibility of an Invasion, against which it is the obvious Duty of this Government to be provided at all Events, we have neither an Army nor a General to oppose it. Our Secret Consultations in May, June and July last, on this Subject, are before the Court of Directors, and ought to be communicated to His Majesty's Ministers. They will show how earnestly we pressed Mr. Hastings to be prepared against Accidents, and with what unsatisfactory, not to say trifling Arguments, he answered or evaded our Remonstrances. Even supposing Bengal not to be the first and immediate Object of the Designs of France, I deem it not the less necessary to collect our Force near the Presidency, that, if the Attempt be made on either of

the other Coasts, we may be ready to send them Assistance. In every Case that can be supposed, the first Thing to be done, is unquestionably, to put Bengal into a Posture of Defence.

If it be possible I will never trouble your Lordship again with anything that concerns myself, unless it should at the same Time materially concern the public Service. If I am to consider the Hope of being supported here, against Mr. Hastings and Mr. Barwell, as the utmost that present Circumstances will admit of, I will certainly never decline any Task, which your Lordship may not think too heavy for me. But I am bound to submit my Opinion to your Lordship that neither is any positive essential Service to be expected from a mere Majority against the executive Magistrate nor will his Continuance in Office, on any Terms, leave us that Appearance of decisive Support from Home, which in this Country is absolutely necessary to enable us to act with Freedom and Effect. As for myself, I am under your Lordship's Orders; you may at least be assured of Zeal and Obedience. . . .

(Francis MSS. No. 39.)

No. 9*e*. *Francis to Goring.* 6th Dec. 1777.

The system pursued here since Col. Monson's Death, and more violently since that of General Clavering, has been such as your perfect Knowledge of the Morality of my present Colleagues, would lead you to expect. You know their Principles, but if you had any Idea, that they would have carried them into Practice, with some Degree of Prudence and Moderation, the Experience of the last twelve Months would have undeceived you. The Recall of Fowke and Bristow—the sending out the Aumeens all over the Country, the unremitting Persecution of the Rannies of Burdwan and Badshy, the Transfer of the Nabob of Oude's Army to the Company's Service, the dispossessing him of all Authority in his Government and the Attempt to dismiss General Clavering, are Instances sufficient to show by what Temper these Men are actuated, and how little they apprehend that a Day of Punishment will come. I mention but a few Particulars, their whole Administration is of a piece. There never was a Period in which the public Money and the Company's Property, was so wastefully lavished as in the Course of the last Year in Salaries and Gratuities to all their Dependants.

. . . The Mockery of Mr. Hastings's Resignation; the Circumstances that preceded, and the Effects that have attended it, would have left me without a Ray of Hope for the Future, if I did not flatter myself that the Minister had been duped, and that he will probably feel the Resentment due to a gross and personal Deception. Yet, it is but a poor Consolation to have no Refuge, from the Idea of an intended Sacrifice of us, but in that of the most unaccountable Negligence and Supineness of our Friends. You cannot serve or oblige me more than by investigating the Truth of this Transaction and telling me plainly your Opinion (with the Reasons of it) whether the Promises held out to us are intended merely to amuse, or whether, and at what Time I may expect any positive Effect from them. I do not think that I can stay with Honour in this Country, as I am sure I cannot with any Sort of Advantage to the Public, if either Hastings or Barwell are continued. An enormous Investment is the Veil, under

which all their Offences are to be covered. The Board of Trade have demanded a hundred and forty lacs for that of the ensuing Year, and Hastings has declared his Resolution to give it. If I am not to be trusted with the Government, I think it will be difficult to point out any other Line in which I can act with either Credit or Effect. After all it is not *my* Cause, nor have I any personal Interest to support it. These Gentlemen are in the last Act of the Play, and seem to study nothing now, but to make their Exit perfectly consistent with the Character they have hitherto supported.

. . . I have had too much Experience of India Politics to place the least Reliance on Promises. Something material perhaps may depend on the Part that shall be taken by Mr. Wheler. . . . Still we are not a Majority, and even if Sir Eyre Coote were arrived, consider what it is for me to begin a new War, in conjunction with new Men, after the fatal Event of the last.

(Francis MSS. No. 39.)

Nos. 10.—Francis on Hastings' Proposed Accommodation with Wheler; Internal Arrangements

No. 10*a*. *Francis to Lord North.* 27th Dec. 1777.

. . . My own Line was decidedly taken. I know the Parties and never will unite with them. Disclaiming every Idea of Alliance, I offered to agree simply to Peace, provided Mr. Hastings would conduct the Government, while he continued at the Head of it, with Equity and Moderation, and provided no Innovations were attempted. But Mr. Hastings has Points to carry which it is not possible to reconcile to a Plan of this Nature. Both before and after my final Negative was given to Mr. Elliot, who acts with full Powers in this Negotiation, no Arts or Efforts have been omitted to gain Mr. Wheler;—but without effect—I have stated Facts to him with very little Comment, and left him to judge for himself. His Determination is taken, and I have no Doubt of our acting in perfect Concert on all Occasions.

. . . They have resolved to declare immediately that the Settlement of the Lands hastily concluded for the current Year, when above half of it was elapsed, and which does not expire till the Middle of April next shall be continued for the ensuing Year, that is from April 1778 to April 1779. This is a deeper Stroke than I could easily explain to your Lordship. At Present I can only observe that there is no public ostensible Motive for it whatsoever, and that Mr. Hastings, first by making a Settlement for the present Year on an estimated Jumma, and much more by continuing such Settlement on the same Principles for the ensuing Year, quits the Ground on which he divided against General Clavering and me in the Course of last Year, and absolutely renounces, without any Reason assigned for it, the whole Plan of Investigation, on which his Aumeens were employed, and does in Effect declare their Labours and Inquiries to be utterly useless. The Inconsistency of this Conduct must appear glaring and unaccountable to any Man, who is informed of the violent Dissensions, which the arbitrary Institution of the Aumeeny Office produced in the Council. . . .

But the great Point of all, on which, however, they have not yet publicly declared themselves, is to announce the young Nabob of age, and to dismiss Mahomed Reza Cawn from the Superintendance of the Household. . . This single Chapter makes a Volume. One of the Creatures of Munny Begum is to have the Disposal of the Nabob's Stipend. I need not suggest to your Lordship which way that leads. In short, my Lord, this is the Season of the Harvest, and, as it will probably be the last, the utmost Use will assuredly be made of it. Mr. Wheler and I have and shall oppose all these Measures to the utmost of our Power; but, while the Council is not full, Mr. Hastings is absolute.

(Francis MSS. No. 39.)

No. 10*b*. *Francis to E. Wheler.* 28th Dec. 1777.

I return you the curious Letter you gave me last Night. It is admitted then that it was the Intention of the Court of Directors to support the late Majority, and to discountenance the other Part of the Council. After this Admission, which of course includes the Measures on each Side, I imagine Mr. Hastings will find it a difficult Task to establish his Inference, that, by concurring in the Reversal of an Act of ours, you would not only correspond with the Company's Intention, but yield Obedience to prescribed Orders. I have been too long acquainted with Mr. Hastings's Style of writing and reasoning, to wonder at anything he says. Such Sophistries can have no Effect, but upon Heads or Hearts, with which I do not wish to be connected. To me those Things are only a Subject of Laughter. I hope you will resolve to consider them in the same Light, and never suffer any Event here to dwell upon your Mind. If we can do good, we will;—if not, they cannot make us unhappy without our own Consent and Assistance. When once your decided Negative shall have operated so far, as to put a Stop to all private Negotiations, Solicitation, etc. believe me you will find yourself much more at your ease, than while any Manoeuvres of this Kind are continued. . . .

(Francis MSS. No. 39.)

Nos. 11.—Francis on the Internal Arrangements, Jan. 1778

No. 11*a*. *Francis to Welbore Ellis.* 2nd Jan. 1778.

. . . In my other Letter you will have seen an Intimation of Mr. Hastings's Intention to dispossess Mahomed Reza Cawn of his Authority in the young Nabob's Household, if not of his Office in the Nizamut. This Resolution is probably delayed until the secret Terms of the Transaction can be adjusted. Of what Nature they are you may easily collect from the inclosed Letter. To comprehend the true Drift of the Negotiations, to which it alludes, I need only tell you that there are two Parties contending for the Superiority in the Nabob's Durbar or Palace, and that the Object of People in Power here is to play off one against tho other, in order to extort as much Money as possible from both. Mahomed Reza Cawn is actually in Possession, tho' with very little real Power, overwhelmed with Debts and intirely at the Mercy of Mr. Hastings even for a Subsistance. Munny Begum whose History cannot be unknown to you is the ostensible

Chief of the other. Hastings would fain reinstate her, if he dare, as thro' that Medium, he would again have the Disposal of the Nabob's Pension. His worthy Colleague [Barwell], temporises till he sees what can be extorted from Mahomed Reza Cawn. . . .

(Francis MSS. No. 39.)

No. 11*b*. *Francis to Lord North. Calcutta,* 4th May 1778.

I send this Letter by an Express Boat down the River, in Hopes of overtaking the Resolution, that your Lordship may be informed of the Conclusion of the Measures taken by Mr. Hastings in Consequence of Mahomed Reza Cawn's Dismission. It has been delayed on Purpose, as I imagine, to prevent its going to England before next Season. He this Day produced a Letter from the young Nabob Mobarek-ul-Dowla, in which he recommends it to us to make the following Distribution of Mahomed Reza Cawn's Pension.

Viz. to Munny Begum	72,000
to Bubboo Begum	36,000
to Sudar ul He Cawn	78,000
to Rajah Gourdass	72,000
	258,000

This Sum exceeds Mahomed Reza's Pension by 18,000 Rupees, which is to be made good by the Company, and the Governor has moved that the whole of the Young Nabob's Requests be complied with.

Suddar ul He Cawn is to have the Office of Foujedar and Naib of the Adawlut ; Rajah Gourdass to be the Diwan of the Household ; but your Lordship will observe that Mahomed Reza Cawn was dismissed from these Offices under Pretence that the Nabob was of Age and capable of executing them himself. The Money, distributed between these two Persons and the two Begums is the Company's Property and allotted by them to support and reward some Man of Rank who might be intrusted as Minister of the Durbar, with whatever Power is yet permitted to reside in the Country Government.

The Transaction speaks for itself. . . .

P.S.—I ought to inform your Lordship that Suddar ul He Cawn is a superannuated Dependant of the Governor and Rajah Gourdass is the son of the late Nuncomar.

(Robinson Collection.)

No. 11*c*. *Francis to Lord North. Calcutta,* 5th Dec. 1778.

Your Lordship has long since been in Possession of every Circumstance that preceeded, or accompanied the Removal of Mahomed Reza Cawn. The inclosed Copy of a Letter from Mr. Hastings himself to the young Nabob, contains such direct and authentic Evidence of the fatal Effects, which have attended that arbitrary Measure, as I presume will hardly be disputed. The shameful Scene of Intrigue, Cabal and Altercation in which Mr. Hastings has ever since been involved with the Nabob, the Begum, her Eunuchs, and his own Creatures is clearly exhibited on the Face of his

Correspondence with them. That part of Mr. Hastings's Transactions may not be worth your Lordship's Attention; but when the Administration of Justice is dissolved, or worse than dissolved, by being left at the Discretion of Thieves, and the whole Country thrown into Confusion, as it has been by Mahomed Reza Cawn's Dismission it is my Duty to tell your Lordship that the Mischief is in the highest Degree urgent and alarming, and that sending out Orders for correcting Abuses, without removing and punishing the Authors of them, is worse than doing nothing. Such Orders are not only disregarded, but as they avow and establish the Offence, without annexing any Penalty to it, they in effect, declare, to a Set of People perfectly well prepared to receive such Declaration, that Corruption and Breach of Trust are no Disqualification for offices of the highest Confidence and Authority.

The Time chosen for Sir Eyre Coote's Embarkation leaves me little Hope of seeing him these two Months. Many Accidents, to which the Navigation is liable at this Season, may detain him much longer. The Use made by Mr. Hastings and Mr. Barwell of the absolute Power, thus long designedly left in their Hands, will, I fear, render it very immaterial either to them or to the Public, in what manner it may be disposed of hereafter.

Recd. 8th Sept. 1779.

(Robinson Collection.)

Nos. 12.—Francis on Bombay Affairs and the Situation in the Early Months of 1778

(1) *To Welbore Ellis.* 2nd Feb. 1778.

. . . Bombay seems destitute even of the Means of Self-defence. In these Circumstances they plunge into War and rely upon *us* for Supplies of Men and Money to support it. This War will be carried on upon the Malabar Coast, far from any Check or Control of ours, tho' intirely at our Expense. Mr. Hastings acts in Concert with the People of Bombay, and is determined to go all Lengths. They have at last carried their Plan into Execution and nothing is left for me but to protest without Effect against the Violation of Treaties, the Destruction of the Peace of India, and all the fatal Consequences, which I foresee these Measures will produce.

I am so harassed, that it is really out of my Power, Sir, to enter into Details, by which I could shew you to Demonstration, that all the Schemes of the People of Bombay, for acquiring Territory on that Coast, have no Object but their Interest as Individuals, to which they sacrifice every public Consideration. To take this last Step I suppose they only waited for General Clavering's Death or Removal.—The Company's Letter to us, of the 5th Feb. 1777 has greatly contributed I fear, to encourage the Disposition to War, already predominant both here and at Bombay. The General and I thought it highly injurious to him. I drew up the inclosed Answer to it, which, I am sure, he would have sent, if he had lived. As it places the whole Argument against the Court of Directors in the strongest Point of View, it will always be a Paper of material Information and as such I could wish it might meet with Attention.

19th Feb. . . . We are bought and sold; nor can it be otherwise as long as the Fate of the British Empire in India is left to be decided in

Leadenhall Street. . . . Whatever may be my Lot with Respect to this Country, I do not doubt of being able to convince you hereafter that, when I am removed or forced to retire, the Cloud that covers Bengal will never be penetrated. . . .

(Francis MSS. No. 39.)

(2) *To C. Harwood.* 17th Feb. 1778.

. . . They are driving harder than ever, but where is the Strength, or how can the Spirit to resist them be supported, when the whole Cause seems utterly abandoned at Home !—The Minister must look to it. If India be lost, or hazarded, he will not be defended by saying that he left the Care of such a Portion of the Empire to the Court of Directors. The Interposition of Parliament, in the first Instance, amounted to a Declaration that the Company were unequal to the Charge. Yet that Measure having never been followed up, nor even fairly executed, but left to be maimed and mangled at the India House, has produced no one of its profest Purposes. Another Thing is worth his Consideration ; that the few Men, who are still capable and willing to set Things right, or at least to prevent the Ruin that threatens India, may not be exasperated or driven to Despair. . . .

(Francis MSS. No. 39.)

(3) *To General Carnac.* 4th Mar. 1778.

. . . Since I first took my Seat in this Council, I have considered the Preservation of the Peace of India as one of the principal Objects of my Duty. It stands first in our Instructions, and formed the Basis of that political System, which General Clavering, Col. Monson and I invariably laboured to establish. Whatever Attention this Object might deserve on a general Consideration of the State of India and of the Prosperity of Bengal, which can only be secured by promoting the Peace and Industry of the Nations that surround us, must naturally be inforced and pressed upon our Minds by the particular and critical Circumstances in which the Nation is placed at this Moment. . . .

(Francis MSS. No. 37.)

(4) *To Bristow.* 23rd Mar. 1778.

. . . A Mahratta War will soon be followed by a French one—and then for the Catastrophe. In short, I do most solemnly assure you, the Prospect of the Distress and Confusion, into which we are falling, makes me tremble. When I consider what a woeful Task I shall have to extricate this Government, supposing it should devolve to me, from the Difficulties, in which these Gentlemen will have left it, the Spirit of ambition almost dies within me—

(Francis MSS. No. 39.)

(5) *To Lord North.* 11th June 1778.

The accidental Detention of the Northington gives me an Opportunity of informing your Lordship that we received a Letter yesterday from the

Presidency of Bombay, dated 2nd May, in which they inform us that the Ministerial Party of the Marattas had not taken any farther Steps, in Consequence of their first Offers to receive and reinstate Ragoba, who had not yet removed from Bombay. That Business seems at present at a Stand and all the Expense already incurred in supporting Ragoba's Interest, intirely thrown away. The Truth is, the Marattas will never receive him, if he is to be accompanied by an English Army.

The Presidency of Bombay at the same Time inform us of a Resolution, taken by themselves, not to permit the Army, ordered by us to their Assistance, to proceed. I take for granted they were struck with Consternation when they first heard of this desperate Measure, and immediately determined to clear themselves from any Concern in it. . . .

The Governor-General having summoned an extraordinary Council to meet this Day, in order to take the above Letter into Consideration, I concluded of course that he intended to countermand the Expedition. The Motion he made, however, by no Means answered my Expectations. He only proposed that the Army should halt wherever the Orders found them—that the Commanding Officer should compleat his Preparations and hold himself in Readiness to march on immediate Warning.

I, on the Contrary, insisted that the Expedition should be countermanded and the Army ordered to recross the Jumna ;—but to no Purpose. I suspect the Governor's present Intention to be, to quarter the Army in the rich defenceless Country of Bundelcund, which is the principal Market for Diamonds, and where new Sources of private Fortune will soon be discovered. It is not in my Power to obtain Copies of the Minutes, which have passed to-day, Time enough to accompany this Letter. I will do myself the Honour of transmitting them to your Lordship if another Conveyance should offer.

Recd. Sept. 9, 1779.

(Robinson Collection.)

(6) *Second Letter to Lord North.* 11th June 1778.

Private.

Within these few Days we have received overland, thro' the Channel of French Gazettes, a confused Account of some unfortunate Events in America. With the greatest Concern I must add that these Advices were received here by all Ranks of People, from the highest downwards, with every Appearance of Triumph and Exultation. It is not that they take part in the Quarrel with America, on any Principles of Attachment to Great Britain or to the Colonies, or that they have any direct Interest in the Fate of that Question. They consider only that every Event, which distresses Government, is an Accession of Strength and promises Security to Mr. Hastings and his Party. They conceive that, while America engages the Attention of Government, there will be no Danger of an Inquiry into any Transactions here ; and that no Change will be made in the Administration of this Country. Your Lordship will judge what the Situation and Apprehensions of these People must be, when their principal Hopes of Refuge and Safety are founded on the Calamities of the Public.

Advices from England, I believe, were never so late as they have been this Season, nor ever expected with greater Impatience.

Recd. Sept. 9th 1779.

(Robinson Collection.)

No. 13. *Goring to Francis.* 2nd Jan. 1778.

. . . I wish you could furnish me with a Copy of those Proceedings in Council which you disapprove of, that I may make myself Master of the Subject and urge home to the Ministry the absolute Necessity there is of removing Messrs. Hastings and Barwell from their Seats in Council, unless they wish to hear of the total Ruin of the British Settlements in Bengal. . . .

You may depend on my Using my utmost Endeavours to gain the Information you desire, and giving you a faithful Account of my Proceedings together with my Opinion and Reasons for thinking your Views may or may not succeed, from the Promises that have been made you from Home. I have not a Doubt, in my own Breast, in Case Mr. Hastings is removed, that you will be the Person appointed to fill the Vacancy, at least my Endeavours shall not be wanting for that Purpose with the leading Men I am connected with, at either End of the Town. From good Information I hear it is the wish of the Minister to be informed of every objectionable Part, of the Conduct of the Company at Home, and of their Servants abroad, in every Department of their Affairs, that when the grand Accommodation of Business with the East India Company (which may be expected to take Place in the year 1780) shall come before him, he may be furnished with every Material to expose the Malversation of former Governors and arm those who may be appointed in Future, with Instructions and Powers to guard them from the Failings of their Predecessors. That he will assume Dominion over these Provinces, and when his Designs are avowed, that those who have served his Views and those chiefly, will partake his Confidence and Power. It is not then to be expected that he will throw off the Mask till the Charter has expired—the Appointment you hold on the Part of the Ministry and the Conduct you observe, place you in the most conspicuous Point of View to the Eyes of your Friends, who only wish you to have sufficient Perseverance, to accomplish the great and arduous Task entrusted to you. I hope therefore you will wait patiently the Event of this Crisis. . . .

(Francis MSS. No. 39.)

Nos. 14.—Projected Alliance with Berar

No. 14*a*. *Mr. Elliot's Instructions on the Proposed Alliance with Berar.*

18th July 1778 : Entered in Consults. 16th Nov. 1778.

We hereby appoint you our Agent and Minister, and invest you with full Powers to negotiate and to conclude a Treaty with Moodajee Boosla the Rajah of Berar, or the Rajah for the Time being ; and that you may be completely enabled to accomplish our Intentions in this Commission, we give you the following Instructions, leaving it to your Discretion to effect them in any Mode, which your Judgement, formed on the actual State of that Government, and the Intelligence you shall receive concern-

ing the neighbouring States, and from the Presidency of Bombay, shall suggest; and to agree to such other Conditions as are not expressed in these Instructions, but shall be conformable to their general Tenor, or not contrary to them. And you are to observe this Distinction in the Articles of Agreement, which you shall conclude with the Rajah of Berar, viz. that although all are to be, and we hereby declare that they shall be, immediately binding on this Government, and on every other of the Company's Presidencies, yet such as are in their Nature permanent must be referred to us, for their final Confirmation; but such as are intended for present or temporary Purposes are to be carried into Execution without waiting for our Sanction, and shall be equally binding, as if they had received our specific Ratification.

It is our first Desire to establish a perpetual Alliance with the Government of Berar on the Terms of mutual Defence. To accomplish such a Connection it must be constituted on Principles of mutual Interest and mutual Confidence. These Principles you must make the ground Work of your Negotiations in every Part and Stage of it, taking especial Care that the Demand for our Assistance, and its Duration shall be optional in the Ruler of Berar; that it may be instantly yielded and that the Provision made for it be so guarded as to preclude the Dependants of this Government, to whose Conduct the Execution of this Part of the Treaty may be committed from acquiring an undue Influence, or exercising any Kind of Authority in the countries belonging to our Ally.

On the Principles thus premised the following Stipulations may be formed.

(1) That there shall be a perpetual Alliance of Friendship between the English East India Company and the Rajah of Berar and his Successors, each Party solemnly engaging to regard the Friends of the one as the Friends of the other and the Enemies of the one as the Enemies of the other, and that this Condition shall subsist independantly of all others in this Treaty.

(2) That a certain Force consisting of [blank] Batallions of Sepoys to which may be added a Corps of native Artillery, be stationed in some convenient Place within our own Frontiers and in the Neighbourhood of his to be always ready for instant Motion on a Requisition in writing from him and for any Military Service which he may prescribe within the Line of his Dominions but not to pass beyond it.

That for the Maintenance of this Corps a monthly Subsidy be fixed equal to their probable Expense, that is to say for each Batallion of Sepoys in Quarters 10,000 Rupees per Month and in the Field 13,000 Rupees and for a Company of Native Artillery in Quarters 4,000 Rupees in the Field —5,000 Rupees; that such regular and assured Funds shall be assigned for the Subsidy as may prevent future Disagreements on this Subject and not leave it in his Power to withhold it.

That each Party shall be at Liberty to cancel this Engagement whenever it shall be judged inconvenient to their respective Interests or incompatible with their Means, or to propose a Reduction of the Force, but not of the proportionate Rate of Subsidy for the Remainder giving one Year's previous Notice.

(3) That if at any Time it shall be necessary to require the Assistance of a Body of Cavalry for the Defence of Bengal the Rajah shall engage to

afford the same within two Months after the Requisition made to him for any Force not exceeding 10,000 Horse of the fixed Establishment of his Sircar, their Pay, Discipline and internal Command to remain Subject to their own Officers but the general Command subject to the Officer commanding the English Forces acting in Conjunction with them : Their Pay to be defrayed by the Company at a stipulated Rate for each Rank from the Day on which they shall enter the Borders of Bengal until the Time requisite for their Departure from the same estimated by daily Marches of five Corps from the Day of their Dismission. . . . Although this Article is proposed to complete the System of reciprocal Defence yet if the Rajah shall object to it we do not regard it as an indispensable Clause but you may make a Merit of receding from our Claim to it.

Such are our Ideas of the general Limitations which should be prescribed for a defensive Alliance ; and we direct you make them the Subject of your first Propositions, allowing you to change or qualify or add to them, in any Manner which in the Course of your Negotiation you shall judge fitting, provided such Alterations be strictly consonant to the Principles, which we have dictated as essential to it.

When you shall have mutually agreed on this Part of the proposed Treaty, you must transmit it to us for our Confirmation or Correction, according to the Distinction which we have laid down in the introductory Part of these Instructions.

(4) But as it may be necessary to enter upon an immediate Train of active and offensive Operations with the Assistance of Moodajee Boosla, if it can be obtained, we shall proceed to give you such Instructions as may be proper for that Effect, first explaining the Object of our Views and stating the Grounds of our Expectations from Moodajee Boosla. [Review of St. Lubin's mission and French intrigues at Poona—War with France—French designs on Bombay—Detachments sent across India.] We are desirous of joining our Forces and our Interests with those of Moodajee Boosla for effecting that Purpose, or others more conducive to the Ends of it.

Our Reasons for giving this Preference to Moodajee Boosla, and our Expectations of finding him well disposed to enter heartily into our Views are briefly these. His Dominions lie between Bengal and the Dependencies of the Peshwa, and border on both. A natural Jealousy has ever subsisted between his Family and the Government of Poona. This has been heightened into a confirmed Animosity by Acts of mutual Violence. He has strong Pretensions, if not an absolute legal Right, to the Succession of the Range or Sovereign Authority of the Maratta State vacant by the Death of the late Ram Raja : and the Nabob Nizam Ally Cawn, who has always been connected with the French, and is now in close Union with the Ministers of Poona, is from his Situation the natural Enemy of the Government of Berar, and personally that of Moodajee. . . .

. . . If . . . you are assured that the Presidency of Bombay have not entered into any new Engagement either with Ragonaut Row or any other Party among the Marattas, which may clash with the Tenor of the following Instructions ; if you shall at the same Time undorstand either that a French Force is actually arrived at Poona ; or is expected, or that the Chevalier St. Lubin is still there ; or if you are convinced from other Circumstances of the Existence of the Engagements which we suppose to

have been formed between him and the Minister ;—or even if no Circumstance shall have come to your Knowledge that may afford you Leave to doubt it ; in these Cases we authorise you to make an Offer to Moodajee Boosla to unite with him in a direct and open War with the Ministerial Party at Poona : and we give you a full and absolute Discretion to concert with him such a Plan for conducting the same, as you shall judge most conducive to the Ends, which we propose from it, and to which your whole Attention must be directed, namely, to defeat the Combination of the French and Marattas, to prevent the latter from assisting the French in their Designs on Bombay, and further, if it can be effected, to establish such an Interest and Connection between our Government and that of the Marattas, as may ensure the future Support and Assistance of the Maratta State against the French or any other Power that may be in Enmity with us.

. . . A defensive Alliance with Moodajee Boosla being the permanent Object of your Commission, you are to suffer no Consideration whatever to divert you from that Object but the Refusal or Inability of Moodajee Boosla to accede to it, or the Safety of Bombay rendering it impracticable. . . .

. . . If you shall receive any Assurances . . . that the Engagements between the French and the Ministers are dissolved, and that the Latter do not entertain any Designs hostile to the Possessions of the East India Company, you must in that Case regard the Treaty between the Company and the Peshwa as possessing full Force, and abstain from any positive Engagement with Moodajee Boosla, which may be contrary to it. But this, as we have already observed, must not prevent you from concluding any Engagement with him of a defensive Kind, or even of an offensive with respect to other Powers or States, who are not under their Subjection. Even in the Case thus supposed it will be no Breach of our Faith with them to agree to station an English Force, near the Western Borders of Berar ; and we even recommend it as a Guard upon their Fidelity, and as a ready Means of counteracting any Attempts which they may make in Violation of it. . . .

Having described the Ends which we propose to derive to the Company from an offensive Alliance with Moodajee Boosla we shall next proceed to those which he may reasonably expect in Return for we cannot suppose that he will hazard the Peace of his own Government without Prospect of some Advantage adequate to the Risk ; nor could we rely equally on his Engagements unless his Interests by being involved in them were made a Pledge for his Sincerity and Zeal in the Performance of them.

The Points which appear to us the most likely to excite his Ambition are the Assertion of his Pretensions to the Inheritance of Ram Raja and the Recovery of the Conquests which have been made from his Country by Nizam Ally.

The latter is a more distant Object and at this Moment appears to us foreign from our present Interests. . . . With Respect to the former, if from the State of Moodajee's Forces, his Resources and Connections compared with those of the Ministers of Poona you shall be clearly of Opinion that the Chances of Success are considerably on his Side and he shall require our Assistance in the Undertaking, we empower and direct you to enter into an express Treaty to that Effect.

The Conditions which may be required for our Participation in an

Enterprise of such Magnitude must of Necessity be left to your Judgement both in the Choice and Mode of securing them. Our immediate Ends will be effectually answered by it if it is attended with no other Effect than the Exclusion of the French Influence from the Maratta State and the Introduction of our own in its Stead. But the positive Advantages if it succeeds, will be all on his Side and these will therefore at least entitle us to some Return besides the Provision effected by it of Security from future Contingencies. . . . The Reimbursement of our Charges in this Expedition from its Commencement to the Period of its Return to our own Frontier . . . ought to be made the first Stipulation. The Confirmation of the Cessions made to the Presidency of Bombay by Ragonaut Row etc., and to this Government by the Peshwa in the Treaty of Poorundar, may be demanded. . . . On this Side of India, we desire no Accession of Territory, but shall prefer the Improvement of our Connection with Moodajee Boosla on the Footing proposed in the first Part of these Instructions to any other Stipulations. . . . To obviate any Misconception of the Extent of your Commission, we think it proper to explain that we do not mean to confine it to the Person of Moodajee Boosla, nor to the local Jurisdiction of Berar ; but that it extends to his Successor in the Event of his Death, or any Change in his Government before or during the Course of your Negotiation, and to the Government dependant on him or his Successors under any Change or Augmentation of it. . . .

(B.S.C., Range A. 49, pp. 372-98.)

No. 14*b*. *Francis' Minute on Elliot's Instructions.* 18th July 1778.

Having already declared my intire Concurrence in one general Principle laid down by the Governor, viz. " that notwithstanding the Superiority of the British Force in India, its general Line of Action is and must be purely *defensive* ", and having repeatedly stated to the Board my Opinion of the Wisdom of those Instructions, which the Court of Directors have constantly given us, and which we ought to consider as the Basis of the British Policy in India, viz. " to make the Defence and Security of Bengal at all Times the principal Object of our Care—never to employ the Company's Forces on distant Expeditions and never to engage the Company in Disputes between the Country Powers, but to leave those Powers to be a Check upon one another without our Interference,"—I cannot but express the strongest Disapprobation of a Plan, which has for its Object a Union of Forces and Interests with one of the Indian States against another, and which, in order to engage the former to unite in a *direct and open war* against the other, proposes to engage the Company's Arms in an Enterprise of no less Magnitude and Extent, than the Attainment of the Sovereignty of the Maratta State for our Ally, and the Recovery of any Conquests heretofore made by the Soubah of the Decan over the Rajah of Berar. I consider the proposed Treaty as not only subversive of all the general Principles of Policy, which ought to direct this Government, but as highly dangerous and inexpedient in itself at all Times, and more especially at the present Crisis. At a Time, when our whole Force is wanted for the Defence of the Company's Possessions to which Object alone I conceive it is, or may easily be made adequate ; I will never consent

to send any Part of it upon distant Expeditions far from the Protection of our Frontiers, or to employ it in supporting any Prospects or Interests in which we have no Concern. Defence alone should be our Object. With Respect to Bengal and Fort St. George, we have nothing to fear, if we make a proper Use of the Means in our Possession, and apply them steadily to wise and attainable Purposes,—that is, if we do not suffer the first to be divided and the second to be wasted in Support of Projects, in which distant Shadows are pursued, at the Expense of solid and substantial Interests. . . . [Recommends that the only way to help Bombay is to send a force from Madras as Colonel Leslie's Detachment cannot be of assistance.]

These Remarks and Objections are of a general Nature. I come now to the particular Instructions proposed for Mr. Elliot and shall consider them in the Order in which they stand.

I object to the Powers, proposed in the Preamble, to be given to Mr. Elliot; and whereas his Commission professes to have two Objects, I cannot help expressing my Surprise, that our Sanction to him should be thought necessary, for coming to a Conclusion with the Raja of Berar upon that, which is by far the least hazardous and exceptionable of the two Measures, I mean the defensive Treaty;—but that he should be allowed to follow his own Judgement in concluding and carrying into Execution the Terms of an *Offensive Alliance* for the Support of Enterprises of uncommon Magnitude and Extent, *without waiting for our Sanction*. Against all such absolute and discretionary Powers, I hereby most solemnly protest: and I declare that I shall never deem this Government bound by any Agreement entered into by him in the Execution of his present Commission, without the previous Knowledge and Approbation of this Board.

I object to the defensive Treaty on the Terms proposed, because I think our present Frontier is as much as we are able to defend, and will not admit of our subjecting any part of our Force to march beyond it at the Requisition of the Rajah of Berar. Because without passing the most distant Limits of his Dominions, such Requisition may carry our Army into the Heart of Indostan at a vast Distance from Bengal, and to a Situation too remote to admit of their safe and speedy Return to the Protection of our own Provinces in case of Emergency. Because, on the other Hand, I never can approve of our calling in 10,000 Maratta Horse, in any Case, to the Defence of Bengal, being thoroughly convinced that such Allies would only distress and ruin the Country, and never do us real Service against an Enemy—and lastly, because I have no Idea, that if Moodajee Boosla has a Ray of Understanding, and reflects on the fatal Consequences which the Nabob of Oude has experienced from his Connections with this Government, and which took their Origin from a Treaty of Subsidy, he will ever suffer an English Army to establish themselves in his Country under any Pretences whatsoever.

. . . I do not pretend to know what the Nature of Moodajee Boosla's Pretensions may be to the Succession of the Ram Raja. It is a Question of no Sort of Importance to this Government, unless we voluntarily involve ourselves in it. But if it were possible for me to entertain an Idea of engaging the Company's Arms in the Support of such Pretensions, the Precipitation, with which the Conclusion of such an Engagement is pressed, and the implicit Confidence proposed to be placed in Mr. Elliot's sole

Judgement and Discretion to decide upon Measures which may affect the very Existence of the British Power in India, would be sufficient to deter me from giving any Countenance to the Measure. I should be guilty of a Breach of Trust, if, in an Instance of this Magnitude, I consented to surrender the Powers of this Government to the Discretion of any Individual. . . . I believe such a Trust was never yet reposed in a public Minister, and I shall never consider myself as a Party to any Terms concluded without my Knowledge.

(B.S.C., Range A. 49, pp. 398-410.)

No. 14c. *Francis to T. Rumbold. Calcutta,* 5th Aug. 1778.

Private.

Since my Letter of the 24th June the Politics of this Government have taken a new and very extraordinary Turn. To me at least, the Measures lately resolved on, were wholly unexpected, tho' I have Reason to believe they have been longer in Contemplation with Mr. Hastings, than will appear by our Proceedings. Undoubtedly you have heard of Mr. Elliot's Embassy to the Rajah of Berar. The Plan was abruptly communicated to this Council, and resolved on by the Majority a few Days after the first News from Suez. The Instructions were proposed on the 17th July, and voted next Day, and Mr. Elliot immediately dispatched. I had but a few Hours to read the Instructions, and even these were allowed me with Reluctance. Extraordinary Precautions have been taken to keep everything belonging to this Business a profound Secret, and particularly, as I think, from *your* Government. You must judge for yourself of the Motives of this affected Mystery, when you see and consider how nearly you are concerned in the Event.

The inclosed Copy of Mr. Elliot's Instructions, and Mr. Wheler's Remarks and mine upon them, will give you all the Information I possess concerning Mr. Hastings's present Views. His fertile Imagination may at this Moment, for ought I know, be employed in forming Projects still more extensive, hazardous and chimerical. But, if he succeeds in this alone, he will have done enough to throw all India into a Flame. We are now to unite with Moodajee Boosla *envers tous* and *contre tous*. We are to place him in the Sovereignty of the Maratta Empire. We are to recover for him all the Countries, of which he has been heretofore dispossessed by Nizam Ally ; Mr. Elliot, under the sole Guidance of his own Discretion, is to conclude on these extensive Engagements without further Reference to this Government : (that is, he is to act solely under the secret Instructions of Mr. Hastings ;) and all this is to be undertaken and executed at the Eve of a French War, and with every Probability of a powerful Invasion of Bengal. With this Apprehension hanging over us, Bengal is stript of a considerable part of its Defence, and the Flower of our Army sent to ramble thro' the Heart of Indostan, not even for the Purpose at first pretended of securing Bombay, but now to support a new Competitor, hitherto unthought of, in his Pretensions, if he has any, to the Succession to the Ram and Son Raja. You will observe that Col. Leslie's Detachment on the 14th July had proceeded no further than Chatterpour, where he has already commenced Hostilities with the Princes of the Country, or they with him. He says himself that the Opposition, which Balajee etc.,

have contrived to form against his Progress, has been greater than he could have conceived possible. He is under Orders to proceed to Berar ; but, as far as I can judge, he seems little disposed to quit his Quarters in the Bundelcund Country. How he is to cross the Cave River at this Season, and from thence make good his March to the Nerbudda, in the Face of an Enemy so well able to harass and distress him without coming to an Engagement, is to me, I confess, a very serious and alarming Question. But, supposing all Difficulties overcome, and that he had crossed the Nerbudda without any material Loss, you will naturally ask what is he to do next ? Instead of answering this Question, I must leave you to your own Conjectures. Perhaps you may know Mr. Hastings better than I do. Perhaps you may be able to judge of his real Intentions from the Language ho holds or the Conduct he observes. Trust me, Sir, they deserve your most serious Attention. My own Mind, I will freely own to you, is filled with Anxiety and Distrust. Let his real Views be what they may, he is plainly and in effect driving us precipitately into Measures, of which Distress if not Ruin must be the Consequence. Compare his Conduct with his personal Situation ; observe the outrageous Invectives heaped upon him by the Court of Directors, the Decline of his Interest in the Court of Proprietors, and the Certainty that the Minister is against him ; then, judge, whether Rage and Resentment against the Company may not guide the Exercise of that Power which they have thought fit to leave in his Hands ; or whether a general Confusion of public Affairs may not appear to him to be necessary to cover his Retreat. At all Events, I am persuaded you will agree with me that, under such Councils, the British Empire in India is not safe : and I most earnestly hope and request, that you will fall upon some Method of conveying to England the earliest Intelligence possible of what is going forward here. Every Avenue from Bengal is shut, or in his Possession.

The most peremptory Orders of the Company are now avowedly disobeyed, and without a Reason or Pretence assigned for it, except the Pleasure of the Majority. Mr. Wombwell had an express Appointment from the Company to a Place held by a Friend of Mr. Barwell, who is not in the Service. Mr. Francis Fowke was most particularly ordered to be reinstated in his Appointment at Benares. Formal Resolutions have passed in both Instances, *not to obey*. You will judge which way such Precedents lead, and what sort of Temper and Determination they imply.

I must beg that you will consider this Letter as written privately to yourself in the strictest Confidence, and that you will not make any public Use of the Papers inclosed. I persuade myself you will think it right to send Copies of them to England, with your Sentiments on the Subject, by the earliest Opportunity.

(Francis MSS. No. 41, pp. 317-25.)

Nos. 15.—The 'Truce' and 'Duel' with Hastings

No. 15*a*. *Francis to D. Godfrey. Calcutta,* 2nd Mar. 1780.

. . . Look to it. The British Empire in India is tottering. Another Year, on the present System, will bring it to the Ground—But what is

the Loss or Ruin of foreign Acquisitions, when England itself is threatened with Invasion, Conquest and Dissolution! The dreadful Aspect of our Affairs in this Country has forced me to yield to a temporary Pacification with Mr. Hastings, on public Ground, and no other. Since it has pleased the Damon who presides over England to continue and confirm Mr. Hastings and Mr. Barwell in Possession of absolute Power over this Part of the Empire, nothing was left for me but to try, if possible, to save it from instant Destruction, or at least to delay that ultimate Ruin, of which the Foundation is laid, and which perhaps no Measures possible for me now to take can prevent. This I most solemnly avow to you is the sole Motive of my Conduct, unmixed with any personal Interest, direct or indirect, for myself or anybody else, or any View to it immediate or remote. Even in this infernal Region, my Character is so well established, and my Principles so well known, that, on this Occasion, Justice is universally done to my Conduct. In England, it is possible that other Motives may be imputed to me. I know what the Spirit of Party is capable of, and how securely it acts against Men so far removed from the public Judgement of the Nation as I am—I know the Power it possesses, at this distance from Detection, of colouring or creating Facts to answer any malignant Purpose, but I stand on a Rock and bid Defiance to the Storm. If you find it necessary, I beg of you to come forward in my behalf; not with Defence, for I am above it, but with Challenge and Provocation. Rely upon it, I am invulnerable: and that, in this Line you cannot go too far. I do not however mean, that you should give an Account of my Actions to any but my real Friends. I owe it to no Man in Station above me. The Minister and his Agents have deceived, deserted, sacrificed and betrayed me, as they did Sir John Clavering and Colonel Monson from first to last.

In the Court of Directors, there are several worthy sensible Men, who, I am convinced, would have acted fairly for the Public Interest, if they had been permitted to act at all. But that Court is nothing; or worse than nothing, a mere Instrument in the Hands of John Robinson, who plays upon it thro' the Medium of such Men, as Purling and Sullivan. These two are in Effect the Company, and Lord North, I am assured, listens to nobody else about India Affairs, if he thinks of them at all. In everything that is done or omitted, I see the Hand of Purling, black, deep and evident. When I speak of a Pacification with Mr. Hastings, I mean literally what I say. It is *not* Union. It is *not* Alliance—In short, it is more like an armed Truce than anything else; for it is to endure no longer than to October next, or until we receive advice of a new Arrangement, which I hope will be much sooner. You may affirm boldly for me, and with Defiance if it be necessary, that nothing is done, but what is publicly avowed. I have not made a personal Stipulation of any kind; for tho' Mahomed Reza Cawn and Francis Fowke are reinstated, I consider those conditions, as Acts of Obedience to the Company's Authority. As such I havo insisted on their being complied with. It must be a mortifying Reflection to the Court of Directors, if they are capable of Reflection, that a single Word of mine is more powerful than all their repeated Orders, Menaces and Censures for five Years together;—but on the other Hand, they ought to give me Credit for the Steadiness and Perseverance, with which I have supported thoir Authority—They

will know with Certainty, that I have never made a Stipulation of any kind with Mr. Hastings, except that their Orders should be obeyed.

In Consequence of this Accommodation, such as it is, Mr. Barwell takes his Passage to England in the present Ship, for which the Company if they knew half as much as I do, ought to sing *te Deum*.

All my Letters from England, some from very high Authority, concur in advising me to wait for the final Arrangement, with which we have been so long threatened. I expect no good of it myself ; But I shall make a virtue of Necessity, and remain where I am till December next, because I have literally no Option. . . .

(Francis MSS. No. 49.)

No. 15*b*. *Sir Eyre Coote to Lt.-Col. Watson.*[1] *Lucknow*, 26th May 1780.

. . . I have, as you conjecture, received many and various histories of the supposed or real coalition, and from many, who possibly were little informed of its true Basis or proper Name ; but any Opinion I may have formed upon this extraordinary Measure has been chiefly founded upon my own Observations of its Effects, the only mode of tracing hidden Causes. Was it a mere Cessation of Arms as you term it, such active Measures as have publicly (not to mention others) proceeded from it, could never have arisen under that negative Denomination. The Appointments of Mahomed Reza Cawn and Mr. Fowke, so long contested and rejected by the late Majority, altho' enacted by the Court of Directors, could never proceed from a mere Cessation of Arms. The silent Admission on the other Hand (apparently in the mode of a return for the Consent to these and other Appointments) of leaving the Governor the full Prosecution of the Maratta War, and the Gohid Treaty, against which Messrs F. and W. had so strongly protested could not be the Effects of a Truce, but most evidently the Effects of a positive tho' hidden Treaty. The mutual Concessions of such violently litigated Points could result from nothing less. . . . I have no doubt that you have given it the Term that it really appeared to deserve in your Estimation, but I think you must have been misinformed.

In my part, had I been upon the Footing you suppose, and are pleased to add no Individual Doubts, with Messrs H. and B. is it possible they could have omitted informing me of an Arrangement so consequential to that Party, of which you would make me to have been a constituent Part. Nothing could have warranted such a Deception, nor could their Interests have prompted them to it. Again, had I been their Partizan, what need would there have been of any Concessions whatever on their Part to Messrs F. and W. Would not Mr. H. and myself have remained a Majority against them ? These public Facts are so glaring, that had there been any Person in Bengal (and I cannot be persuaded there are many) who ever could have supposed me a Partizan of Messrs H. and B., they must from that Moment have exculpated me, for nothing but the real Independency of my Situation and Sentiments could have placed me in the Predicament I am in, which, so far from regretting, I glory in.

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[1] In reply to Watson's, written at the instance of Francis.

Influenced alone by Public Motives, I can have no Desire to be included (or, in the usual Term, taken care of) by any private Treaties. I could have deemed it nothing but the Barter of my Honour, and the Interest of my Country, if I had bartered my Assent (though only expressed by Silence) to public Wars and Treaties, to procure private Appointments for my Dependants and Friends. I desire no such Friend as could expect or exact such Conduct from me. And while I remain with these Sentiments I trust I shall be able to maintain, what you seem to think impossible, an independant vote at this Board, or any other under the British Empire. It is True I cannot add that, if I had private Views, they would be so well answered by this as by an opposite but more usual Conduct.

(Francis MSS. No. 37, pp. 447-53.)

No. 15c. *Francis to G. Horsley. Calcutta,* 7th June 1780.

. . . I understand that your intended visit to Hyder Ally is not likely to take place. In his present Disposition, I am not inclined to think that it would have produced any good Effect. . . . When once we are reduced to make Advances to the Indian Princes, and to solicit their Friendship, the Fact proves more in their Eyes than anything we can say to colour it. This Humiliation I reckon among the Consequences of the War. I have no Opinion of the Success of any Negotiations with People, who, with every Reason to hate and distrust, have been taught by our own wretched conduct to undervalue us. In short, nothing but Peace with the Marattas can save us ; and I am glad to find that the same Idea begins to prevail at Bombay as I assure you it does here universally. But it is not an easy matter to tread back such Steps as have been taken, or to make Peace with People, who know as well as we do, that we are unable to support the War. . . . I can tell you, with the greatest Certainty that Bengal cannot maintain Goddard's Army another Campaign, and that the State of our Affairs leaves us no choice. . . . You may depend upon it, that we are determined to have a Peace, or at least that we shall leave off making War. The Means, it is true are not so certain as the Ends ; but in a case of indispensible Necessity, I need not tell you that there is no standing upon Terms.

With respect to the Coalition, which you say is so much talked of, I have reason enough to believe that it is either greatly misunderstood or greatly misrepresented. All I shall say of it at present is, that I never will depart from the political Principles I have invariably professed, and that in endeavouring to gain the Concurrence of others, I do the greatest public Service, which our Superiors have thought fit to leave it in my Power to perform. Even of this Power, perhaps, the first Advices from England may divest me. Still, however, I am of Opinion that Peace will continue to be the Object of this Government. If I should be placed at the Head of it, the Steps may be a little quicker than otherwise, but not precipitate. If not, I hope and believe that I shall leave the same Determination behind me.

I beg you will assure Mr. Hornby that nothing can make me happier than to co-operate with him in securing all possible Advantages to the Presidency of Bombay, provided the Foundation be laid in restoring,

and confirming the Peace of India. I depend upon your forwarding to me by the Earliest Opportunity the first News you receive from Europe. . . . Let the Decision at Home be what it may, My Resolution will be delivered by it.

(Francis MSS. No. 37, pp. 455-8.)

No. 15*d*. *Francis to Col. Ironside. Calcutta*, 21st June 1780.

. . . My situation in every Respect, is the most delicate, difficult and hazardous that I ever had the misfortune to be placed in; not by my own Fault, but by Acts done at Home, which I am unable to account for on any just, or rational Principle. One Consequence of those Acts is that the present Guidance of the Measures of Government is not where you apprehend, but where the Company and where the Legislature have thought fit to place and replace it. I now only wait to know their last Resolution, which we hope will reach us in the course of one Month more, to take my own, which I believe will be final with Respect to Bengal and to everything that belongs to it. *Tœdet, pudet*; I am weary of my Situation and ashamed of it. In short, I look to my early Release from this insupportable Burthen as to an Event necessary to my Honour, my Safety and my Peace of Mind forever. The Spirit of Ambition is dead within me. It could not survive the Hopes of doing some good, with which it was always united, and which the State we are reduced to will not suffer me to entertain. In these Circumstances, a prudent Man will endeavour to provide for his Retreat. This is my View, and, I believe, the only one I have left. When I say that it is barely not impossible that I may be obliged to relinquish it, in Consequence of a new Arrangement having been made in Parliament, I do assure you that I express the full Amount of my Expectations on that Subject. At the same Time, I am convinced that this Arrangement, in whatever Manner I may be affected by it, will not have the other Effects to which you look forward. I have no Doubt that the Company's Charter will be renewed, and everything left *in Statu quo*. . . . I find this but a melancholy Letter, and therfore the sooner I put an end to it the better.

(Francis MSS. No. 37, pp. 460-2.)

No. 15*e*. *Francis to Wheler. Chandernagore*, 16th July 1780.

I hear from Mr. Hay with the greatest Surprise and Concern, that the Governor-General's Motion of the 19th June is now recorded as agreed to in Terms and that all the subsequent Minutes have been withdrawn. I do assure you most solemnly that I never had a Thought of consenting to such an Arrangement. What I proposed to the Governor by Sir John Day was that the Minutes might be withdrawn on both Sides, provided he would agree to suspend the final orders of Major Camac's March into Scindia's Country, until we should hear from Europe, whether Mr. Hastings was continued in the Government or not. I cannot, on any other Terms, consent to the Minutes being withdrawn and I must beg that everything may be replaced *in Statu quo*, unless the Governor-General will be pleased to agree to the Terms proposed. If not, it must appear upon the Records that the Governor-General has carried his proposed Instructions of the

25th of June by another Vote in my Absence, as I will not be a Party to those Instructions. Tho' I have no Fever, I am very far from being well, and these Things agitate my Mind to a Degree not to be expressed; but if nothing will do but my going down to Calcutta, I will venture at the Hazard of my Life. Believe me I am sincerely concerned at being obliged to give you this Trouble.

(Francis MSS. No. 37, p. 479.)

No. 15*f*. *Francis to Lord North*. *Calcutta*, 27th Aug. 1780.

Notwithstanding the Situation I am in, my Friends advise and press me not to neglect sending your Lordship by the earliest Opportunity an Account of a Duel, to which I was compelled to call Mr. Hastings on Thursday the 17th of this Month. It arose from a Minute written by him (of which I have the Honor to inclose you a Copy No. 1) in answer to a joint Minute written by Mr. Wheler and myself, to the Terms and Matter of which no Objection was or could be made. You will judge whether the Language used to me by Mr. Hastings left me an Alternative, and which of us in this Case is in Reality the Challenger. No. 2. is a Copy of a Paper I left in my Bureau on the Night before I met Mr. Hastings. The Assertions contained in it, I hope, will find Credit with your Lordship. As soon as I am able to attend the Board, which I fear will not be for some Weeks, I mean to make some farther Remarks on Mr. Hastings's Minute. . . . In the mean Time, I shall only observe to your Lordship, that if I had deserved the atrocious Character attributed to me, it would rather have led me to support the Governor, and reap the Fruits of my Compliance, as others have done, than to have sacrificed my Happiness and risqued my Safety, as I have done, by opposing him on Questions purely of a public Nature, and in which I have no greater personal Concern than any other Member of the Community. After all, my Lord, what does it signify to me, more than to any other Man, whether there be a Maratta War or not, or in what Manner it is conducted? The Fate of India is determined at Home.

It only remains for me to inform your Lordship that I shall quit Bengal in the Course of the present Season, and by the first Ship, if I can obtain a Passage in it.

I request that this Letter and the Inclosure may bo communicated to Mr. Ellis.

A great Part of the Carnatic has been lately overrun by Detachments from Hyder Ally's main Army. Some Houses have been plundered within two Miles of Fort St. George, where they have no Money, and where everything is in the utmost Distress and Confusion.

Sir Eyre Coote returned yesterday to his House at Ghyretty.

Recd. in London, 4th Jan. 1782.

(Francis MSS. No. 37, pp. 497-500.)

No. 15*g*. *Francis to Major Philip Baggs* (*London*). *Calcutta*, 28th Aug. 1780.

Mr. Godfrey will inform you of the Particulars of a Duel, to which I found myself compelled to call Mr. Hastings. . . . I consider this Event as a Quietus to all personal Hostility between Mr. Hastings and me and

I desire that you and all my Friends, *will speak and act accordingly*. This Injunction goes to everything. It would be irregular and unbecoming in me *now*, as well as useless in every respect to suffer the public Quarrel to lead me into anything that could bear the Appearance of personal Animosity to him. Let him be condemned or acquitted by the Evidence that exists of his public Conduct. . . . As I lay bleeding on the Ground and when I thought the Wound was mortal, I gave him my Hand in Token of Forgiveness. From that Moment to the End of my Life, I am neither his Friend nor Foe.

(Francis MSS. No. 37, p. 505.)

No. 15*h*. *Francis to C. D'Oyly*. *Calcutta*, 3rd Sept. 1780.

I will not deny you the Pleasure of receiving a few Lines from my own Hand, to satisfy you that a late Event has had no very bad Consequences. . . . The greatest Part of Indostan is actually in Arms against us, or preparing to attack us. *My* Bottom is wound up, and I think with Honour :—be assured I will not embark again in the same Company. We expect Advices from Suez every Day of what has been done, or not done in the last Session of Parliament. I neither expect nor desire to be continued in this Country on the only Terms, that could engage me to stay. The Moment I know the Event, I shall declare my Resolution and begin my Preparations in order to embark before the End of the Year.

(Francis MSS. No. 37, pp. 517-19.)

No. 15*i*. *Francis to G. Horsley* (*Bombay*). *Calcutta*, 27th Sept. 1780.

. . . Inclosed I send you, for your private Information, an abstract Statement of our Treasury, with the present or immediate Demands upon it. . . . Such is the deplorable End of all the Pomps and Vanities of this Government! Compare the State of India and more particularly of Bengal, at the end of the Year 1776, when the Administration of Clavering, Monson and Francis expired, with their present Condition and tell me honestly what you think of the Merits of that, which succeeded ours. In this Comparison, I can not allow anything to be placed to the Account of unexpected Disasters, except, if you please, the Fire at Calcutta. Nothing else has happened, which had not been foretold. The Measures which have brought us to Ruin, were carried in the Face of the Company's fundamental Principles, of their repeated Instructions and of every Argument and Objection that Reason or Apprehension could urge against them. There is no Example of a more steady and strenuous Opposition than that, which has been maintained by Mr. Wheler and myself, against this fatal Maratta War. All our distresses spring from the same source. Hyder Ally is a branch of it; nor is it possible to say, into how many other Streams the first may divide, or what Strength and Rapidity they may gather as they run.

The Conclusions from these Premises are obvious and powerful enough at last, to strike every Man here with equal Force and I have some Satisfaction in telling you, tho' I am not very sanguine in my Hopes of success, that a new System is now adopted. On the 25th of this Month

the Governor-General himself proposed to make Peace with the Marattas, at all Events and almost on any Terms. It would not be safe perhaps to trust the Particulars to a Letter overland. In general, however, I may prepare you to bid adieu to the Idea of territorial Acquisitions on the Malabar Coast. I shall struggle hard to save Salsette and Bassein :—but the Tide ebbs as fast as it flowed and runs as violently in the Line of Concession, as ever it did in that of Conquest.

Sir Eyre Coote is preparing to go to Madras, with a Regiment of Europeans of 300 Men and a Detachment of Artillery of 200 Europeans etc. He will also carry with him 15 lack of Rupees in Specie, much against my Will and Opinion. We are now come to the Heart's Blood of Bengal and these I think verily are some of the last Drops of it.

We have Letters from England to the End of March ; but no Mention or Thought of any Change in this Government. . . .

It would look like Affectation not to mention to you an Event of so singular a Nature, as my Duel with Mr. Hastings ; otherwise I should have passed it by without Notice.—With respect to the Origin of the Quarrel, I need only tell you that Maratta War or not, was in Effect the Question between us ; so that if the Event had been fatal to me, I should literally have fallen on public Ground. There was no other Difference between us.

(Francis MSS. No. 37, pp. 549-56.)

No. 16.—Francis on Hastings and the Supreme Court

To Lord North. Calcutta, 4th Mar. 1780.

Private and Secret.

I never addressed your Lordship under so much Anxiety of Mind as I do at this Moment. Nothing I most solemnly assure you, can be more alarming or more dreadful than the Situation of public Affairs here. It calls for every Exertion of a Wise, a firm, a united, and a strong Administration. Ours has never possessed those Qualifications ; and now the violent Proceedings of the Supreme Court of Judicature go directly to deprive us of the little Authority we had left. The Detail is laid before the Court of Directors, to whom we have urged it in the strongest Terms, that, if they mean to save Bengal, they must solicit and obtain the instant Abolition of the Court. Let me most earnestly intreat your Lordship to give immediate Attention to this Object.

Mr. Barwell has taken Fright, and left us in the Midst of a Contest with the Court, of which he himself at the Bottom is the Occasion, and in which he at first took Part with more Violence than anybody.

Mr. Hastings tells me, in a strange Sort of Confidence, that for himself he is totally indifferent about the Event, for that he never desires to see England, and shall be very well contented to pass the Remainder of his Life in Switzerland. For this Retreat I know he has been long preparing, having remitted the Bulk of his Fortune to Holland. It is *my* Opinion that he means to run away, that is, when he has reduced the Government to such Distress, that he himself will have no other Move left. In the meantime he cares not a Rush what he does, or what Happens, because he has provided a Retreat for himself, and looks forward with Pleasure to the Difficulties, in which he may leave me involved.

Mr. Wheler and I, in the Opposition we have given to the illegal Proceedings of the Court, have acted on the purest and most upright Principles for the public Good. . . .

. . . We have a Civil War in every Quarter of the Country, which ruins our Revenues, while we have a most offensive foreign War to maintain on the other Coast, and a declared or secret Enemy in every one of the Indian States.

I beseech you, my Lord, not to disregard this Representation, as if it was dictated or coloured by Passion. Be assured you will find it true. Events are much within the Limits of Probability, by which the British Empire in India may be lost, or as bad as lost, before another Year is expired.

. . . When I view the Situation, in which I am left, I cannot but feel the deepest Regret at not having quitted Bengal two Months ago. I must now of Necessity stay till November. If, by that Time, a material Change be not made in this Government, and if the Violence and Persecution of the Court continues without Controul from Home, your Lordship may depend upon it, that I will embark for England before the End of the Year.

(Francis MSS. No. 40, pp. 625-31.)

Nos. 17.—Francis on the Eve of his Departure

No. 17*a*. *Francis to Lord North. Calcutta,* 30th Aug. 1780.

I beg leave to send your Lordship inclosed a Copy of a Minute of the Governor-General, proposing to open the Treasury for Money upon Bond, and of a Letter from the Board of Trade stating the Distress the Investment has suffered for Want of timely and regular Supplies. These Papers require no Comment. As no State of the Debts actually existing has been laid before the Board, I cannot judge what the Loan may amount to ; but as I know that every Branch of the Service is considerably in Arrears, particularly the Army, I conceive that 50 or 60 lacks will be immediately necessary to clear us : and if these Wars continue, you may be very sure that before June 1781, the Debt will not be less than double that Sum, unless the Investment should be curtailed. At this Rate, the Debt must increase as long as the War is maintained and I see no End of it, unless the Company send out positive and peremptory Orders to make Peace at all Events, and, at the same Time, take proper Measures to insure Obedience to their Orders. In a Word, my Lord, India is on the verge of Destruction.

The bonded Debt, which we found here on our Arrival was paid off by Sir John Clavering, Col. Monson and myself, not by Mr. Hastings, who ought to allow us the Merit, as well as the Demerit of everything that was done before Col. Monson's Death. From that Period Mr. Hastings's Administration properly commences. The State of the Company's Affairs in India, as it stood then ought to be compared with their present Condition. From such a Comparison a fair Judgement may be formed of the respective Merits of the two Administrations.

(Francis MSS. No. 37, pp. 573-5.)

No. 17*b*. *Francis to A. Ross. Chandernagore*, 17th Sept. 1780.

Private. Copy sent to Col. Capper.

. . . As to public Affairs, you will conclude of Course that it has been but little in my Power to attend to them, since the 17th of last Month, nor do I think that any Efforts of mine could, at this Point of Time, be of the smallest Use. We are in the Hands of Fortune, or something worse: that is, our Condition, as I think, is beyond the Reach of human Prudence. For my own Part, at least, I see no Issue, nor do I know that Man, who can tell us where we are going, tho' none of us can help feeling that the Water deepens as we advance. We have opened our Treasury for the Purpose, "of supplying our growing Wants and to provide against the multiplying Exigencies, not of this State only, but of the other Presidencies". The Sums, hitherto subscribed, have been very inconsiderable. All Expenses are excessive beyond all Example:—every Branch of the public Service deeply in Arrear and the Investment injured for want of timely Supplies. In short, Sir, I seriously think we are at the Eve of some great Calamity, in the Consequences of which both the Guilty and the Innocent will probably be involved together. . . .

(Francis MSS. No. 37, pp. 537-9.)

No. 17*c*. *Francis to Bourke. Calcutta*, 9th Oct. 1780.

Mr. Godfrey will give you the Particulars of a Duel to which I was forced to call Mr. Hastings on the 17th August. I have sent a State of the Transaction to the Court of Directors. They have ruined India among them, in spite of every Thing I could do to save it. . . . Pray assure your Friend [Edmund Burke] and mine of my heartiest Esteem:—I will not presume to say Affection, tho' I feel it for him. He is a lucky Man, who knows how to make himself beloved with such great Abilities. I have much to say to you and *him* on certain Subjects, and I hope e'er long to say it in Person. We know every Thing that has passed in the House of Commons up to the 7th of April. Farewell. Be sure you live and don't die 'till I return.

(Francis MSS. No. 37, p. 564.)

No. 17*d*. *Francis to C. D'Oyly. Calcutta*, 13th Oct. 1780.

Mrs. Francis will tell you my Resolution, and how soon you may expect to see me. I need not therefore trust the Particulars to more Letters than hers. This Vessel is sent Home express, to carry the Account of a Disaster on the Coast infinitely more calamitous and important than that, which befell the Presidency of Bombay in January 1779. The inclosed Letters from one of my Correspondents at Fort St. George contain the Particulars of this most unfortunate Event. Be so good as to shew them to Mr. Ellis, to whom I refer you for some Reflections of my own on the desperate Situation, to which Hastings has been permitted and encouraged to drive the Company, and every Interest connected with theirs. The British Empire in India is tottering to its Foundation, and no Man at Home will believe we are in Danger. I have written my Sentiments very freely and very strongly too, to the Court of Directors, of their atrocious Conduct for these five Years past. It is really astonishing how they have

had Art enough to suppress such Facts and such Representations as have been sent to them in that Period. The Public at large seem to know no more about Bengal, than if it did not exist, and to care as little what becomes of it, as if they had no Concern in the Question. But this Supineness or Stupidity cannot last much longer. The Devil's in't, if the present Crisis does not rouse them. We have turned out Whitehill in whose virtuous Hands, Sir Thomas Rumbold left the Government :—and as for Sir Hector Munro, all I can tell you is, that he is universally considered as a lost Man. Sir Eyre Coote takes leave of us To-day in his way to Madras. If you knew this cursed Place, you would not wonder at my Impatience to leave it. Desire Mrs. D'Oyly, who understands these Matters, to pray stoutly for my safe and speedy Passage. I shall carry Home with me Subjects and Materials enough for Conversation with you both to the end of our Lives.

(Francis MSS. No. 37, p. 569.)

No. 17*e*. *Francis to J. Wombwell* (*Lucknow*). *Calcutta*, 17th Oct. 1780.

I have received the Favour of your Letter of the 4th. You are right in your Judgement of the Duel. I had made a *Pas de Clerc*, but I have received it by a *Coup de Maitre*. So at least I think, it has turned out and must operate hereafter. My Interest here is not stronger than it was, as you may conclude from Bristow's ill-Success. As long as it lasts I shall be happy to employ it in your Service : but to tell you the honest Truth, I believe the Game is up or so near it, that my Efforts to serve you would only do you Mischief. . . .

(Francis MSS. No. 37, p. 418.)

No. 17*f*. *Francis to Collings*. *Calcutta*, 2nd Nov. 1780.

Harwood, Tilghman and I have engaged a Dutch Ship to carry us from Bengal, I hope for ever. We are to sail on the 22nd of this Month and I must leave Calcutta some days sooner. I wait for the Moment of my Departure, as if a Mountain was then to be removed from off my Breast. Be assured the House is on Fire and I really think the Mischief will begin in Oude. . . . Every Day produces some new Enormity. . . . The Expectation of my Departure has turned the Heads of many People and I am worried out of my Senses. To be a *Chef de Parti* and not to succeed is everything that can be called damnable in this World. I assure you my Resolution to go Home is not suddenly adopted, but was announced a Year ago in all my Letters. No Consideration could make me stay another Year with Hastings. Bengal is not tenable for *me*, in that Company, nor could I do any good. . . .

(Francis MSS. No. 37, p. 1.)

No. 17*g*. *Francis to the Court of Directors*. *Calcutta*, 12th Oct. 1780.[1]

. . . We are now endeavouring to tread back the fatal Steps, which have been taken in the last three Years, by this Government, and by

[1] Published by Francis immediately before his return to England ; included in Burke's Report on Justice in 1782, and again given to the public in Price's letter of 1783 attacking Burke's Report.

the Presidency of Bombay, but I could not undertake to answer for the Success of our present Endeavours because a right System might be adopted too late, or the Means taken in pursuit of it, may not be the wisest that might be chosen. In our Circumstances it is very difficult to say what Plan is likely to succeed, or what Plan is free from Objection. I shall contribute my Advice and Assistance, as long as I continue in the Council, but I will not embarrass the Execution of Measures, which may prevail against my Opinion, by a useless, perhaps a dangerous Opposition to it. My efforts to prevent the Distress which has fallen upon your Affairs, were exerted without Remission during a long Period, in which they might have been of essential Service to you, if they had either been regarded here, or supported from home. You have suffered the Company's fundamental Principles of Policy to be overset, their Instructions to the Governor-General and Council to be violated and your own specific Orders, in various Instances to be disobeyed with Impunity. You have heaped Condemnation from Year to Year on the Governor General and another member of your Council in the strongest Terms, that ever were applied to Men possessing so high a Trust and Station, and not instantly divested of both. You have also been pleased to favour the late Sir J. Clavering, Col. Monson, Mr. Wheler and me with repeated Assurances of your Approbation of our Principles and conduct, and with repeated Promises of Support. You have given us Reason to expect definite Orders and Regulations on many important Subjects, which have never been sent. . . . At the End of 6 Years, since the Institution of the present Government, the concluding State of Facts is, that the Men, whose Conduct you have so often condemned, have never received any serious Proof of your Displeasure ; but, on the Contrary, have been continued in Trust and Station, by a new Appointment ; and that the Principles and Measures, which you have constantly reprobated, have been suffered to prevail and operate, from Year to Year, to their present Conclusion, in the Face of your own Orders and Instructions, against the most strenuous Opposition in the Council and notwithstanding the strongest Remonstrances, both public and private, accompanied with the clearest Explanation of the real State of Affairs here, which have been sent home by every Means in my Power, since my Arrival in the Country. Look back to the Situation of your Affairs, as long as Sir J. Clavering's Efforts and mine had Weight enough to preserve *the Peace of India*, to which in the first Article of our Instructions you ordered us to *fix our Attention*, and compare it with that, to which an opposite Policy, permitted if not encouraged by yourselves, has reduced them. Every Step, that lod from one to the other, was regularly marked to you as it was taken. Every Event that has happened was foretold. I will not now predict to you what is likely to be the condition of all the Company's Possessions in India at the Time, when you receive this Letter. You will have Facts enough before you to judge for yourselves. The Struggle to which I have dedicated my Labours so long without Effect, and in which I have sacrificed my Repose and the Peace of my Mind to no Purpose is now at an End.

In the Course of three Months I mean to quit Bengal and return to England ; where it is possible that my Presence may be of some Use to the Company, tho' it is of none here.

(Francis MSS. No. 37.)

APPENDIX TO CHAPTER V

Nos. 1.—Francis plans to capture Public Opinion in England

No. 1*a*. *Instructions to Major Baggs. Calcutta,* 1st Jan. 1780.

1. You will receive herewith a Settlement of the extraordinary Expense of the late Bullock Contract.

2. A Copy of the Debates on the Company's Orders of the 4th Feb. 1779, for reinstating Mahomed Reza Cawn.

3. A Narrative of our Transactions with Ragoba and the Marattas, from Dec. 1777 to Mar. 1779.

4. A State of the Treasury, made up to the 18th Dec. 1779.

5. Abstract of extra-Expenses and Losses since May 1778, exclusive of the Marine.

6. Mr. Godfrey has an exact Account of every Thing relative to Sir Eyre Coote. I sent it to him by Mr. Van. Apply to him for it.

7. If you see Lord North, speak mildly and cautiously of every Thing; particularly of Characters. If you discover any Symptoms of Passion, he will pay no Regard to what you say.

8. If they continue to attack me in the Newspapers, let the Answer, if any, be very short, and in general Terms.—viz.: "that my Friends expect that I shall demand and promote a public Inquiry into all the Transactions in Bengal:—that, in the mean Time, they are strictly injoined not to defend me in the Newspapers, nor in any Shape to commit my Name and Character, in a Contest of that Sort:—and that it is left to the impartial Public to judge, whether it be fair, just, or honourable to traduce the Character of an absent Man, or even to bring Charges against him, which he has no Opportunity of refuting."

9. I shall have no Objection to your publishing in a Pamphlet all the Minutes relative to Mahomed Reza Cawn; but it must be done without any Comment whatsoever.

10. You will declare to all my Friends, and to Mr. Robinson, that my continuing here till next Season is a Matter of mere Necessity, not Choice, there being no Ship on which I could take my Passage; and that if there were, it is now too late to make the Preparations indispensibly necessary for leaving this Country.

11. If Lord North should not desire to see you, you must take an Occasion of intimating to Mr. Robinson, that you have Reason to believe it is my Determination to lay before the Public a full Account of India Affairs for the last 5 Years, accompany'd with proper Documents, as soon as possible after my Arrival in England:—the same to be said to

Lord North, if he gives you an Opportunity :—but whatever Terms you make use of must imply Defence, not Menace.

(Francis MSS. No. 40, pp. 473-5.)

No. 1*b*. *Francis to J. Bourke. Calcutta*, 1st Jan. 1780.

Major Baggs will have the Pleasure of delivering you this Letter, and tell you every Thing that I could, respecting the Situation of public Affairs here and my own.

I beg of you to communicate with him freely. Many thanks to you for your Letter of 20th Dec. 1778. If England exists, I pray you to keep that Ground open to me, to which you know my Heart is attached.

(Francis MSS. No. 40, p. 465.)

No. 1*c*. *Francis to Genl. Fraser. Calcutta*, 1st Jan. 1780.

I beg leave to have the Honour of introducing to you Major Baggs, and to recommend him to your good Offices. He is tolerably well informed of the State of Things and Persons here, particularly in the Military Line, and you may depend upon his Honour and Veracity. If any Thing is yet to be said or done, he will follow your Instructions. . . .

(Francis MSS. No. 40, p. 465.)

No. 1*d*. *Francis to Major Baggs* (*at Madras*). *Calcutta*, 25th Jan. 1780.

Private.

Nothing very material has occurred since you left us, except that Sir Eyre Coote has declared War with the Governor, and professes to renounce and reprobate all his Works. I send you inclosed a Specimen of the Language he now holds. (No. 1). You know the Character of this Gentleman, and will not be surprised at any Thing he says or does. The next Moment may very possibly bring him back to his former Connections and Opinions. These, as well as the most decided Measures of the Government, to which in one Sense he particularly belongs, he changes every Day, as he does his Linnen, but without the same Reason. The former are shifted, but never are clean.

No. 2 is a very material Paper, and fit for instant Appearance. Mrs. Francis will receive some other Explanations by the Ganges which it is proper you should have as soon as you arrive in England.

By this Ship, if it overtakes you at Madras, you will hear a thousand lies, industriously circulated here, about a Coalition concluded or likely to be concluded between Mr. Hastings and me. The Fact is, that we have had two private Conversations at his own Desire, in which many great Points have been discussed, but without producing a final Accommodation. We are just as much at Sea as ever, tho' perhaps not quite so far from Land as we have been. I stood on public Ground, and would not suffer any other to be mentioned. From this you may be sure I never will depart. Let the Event be what it may, let me conjure you to proceed. Be assured from me, that nothing *can* happen here, which ought to stop

you on your own Account, or interfere with the Plan on which you undertook to act. If I am Governor, come out again directly : but not before you have set Things *en Train*, in the Manner agreed on. On the 15th of this Month I wrote to Sir Thomas Rumbold by the Post. I would have you wait on him immediately, and tell him from me that what I said to him then with respect to the Reports of a Coalition remains unaltered, and that I wish it to be so understood. Mr. Hastings, it is possible, may have no other Intention but to amuse me and the Public, by holding out the Appearance of an Accommodation, which he has no Thoughts of concluding. Be that as it may, the Report of it is useful to him in many Senses, particularly to intimidate 37. [Sir Eyre Coote]. It may also answer other Purposes in England. Wherever you are, I desire that you will, calmly and moderately, speak the Language of this Letter on the present Subject.

The Presidency of Fort St. George have declared themselves roundly against Mr. Hastings's Measures, and with a Vehemence and Asperity, which seems personally levelled at himself. Inclosed you have an Extract from their last Letter to the Board. (No. 3). The Declaration contained in it not only coincides with my Principles and Opinions, but is expressed in nearly my own Language. Besides that it binds them forever, the Time at which it appears, is as favourable to me as I could wish. For their own Credit perhaps, it ought to have appeared sooner. C'est de quoi je ne m'embarrasse pas. Il ne s'agit pas de cela.

No. 5. is a very material Paper and ought to follow No. 2. On all this Part of your Enterprize, observe strictly what Mrs. Francis will tell you.

. . . Mr. Barwell professes an Intention to go to England in the Swallow : but he is looking out for Terms of Accommodation for his Friends, which I believe he will not obtain ; and there is no depending on anything he says or does. He favoured me with a long Visit yesterday Morning, for the first Time these three Years ; but it ended in nothing. I keep steadily to my public Ground and will not suffer any other Consideration whatsoever to interfere with the Conduct, which the public Service at this critical Moment demands of me.

Mr. Macintosh goes Home in the Ganges. He has possessed himself of a great deal of Information, and I believe will be of Service to me in England. You cannot do better than converse with him as much as you can on every Thing that concerns this Country. He understands Characters here perfectly, and has got some Insight into Mysteries. . . . If I have omitted anything material you must place it to the Account of the Hurry and everlasting Confusion that surrounds me. Major Webber can tell you many Particulars not worth writing.

Shew this Letter and the Papers to Mr. Godfrey, whom I have desired to give you all the Assistance he can. As for the advice of timid, well-meaning People, pay no Regard to it. On the other Hand, be cool and firm in every Thing you say and do, and never passionate. The Ground is as open and solid as it can be. Nothing now is necessary but steady Conduct.

(Francis MSS. No. 40, pp. 491-500.)

No. 1*e*. *Francis to Sir George Wombwell. Calcutta*, 15th Jan. 1780.

Mr. Macintosh, who will have the Honour of delivering this Letter to you, was introduced and recommended to me in the strongest Terms by Sir Hector Munro. His Conduct here and the undoubted Proofs I have had of his Knowledge and Abilities, have intirely answered the Character that Gentleman gave me of him. On this Foundation, I take the Liberty of introducing him to your Acquaintance. He is thoroughly informed of the Condition of this Country, and of its present distracted Government. He has also a general, and I believe an accurate Knowledge of the Trade and Resources of India. In short, you may receive Lights from him, if Lights are yet wanted or desired on the State of Men and Things in Bengal, which cannot be conveyed by any other channel of Communication. The Abilities and Activity of such a Man might be usefully employed here, provided the Game be not up before he comes back again. At all Events, I shall hold myself indebted to you for any Marks of Civility, which you may have an opportunity of shewing him. . . .

The Continuance of Mr. Hastings and Mr. Barwell, whose Measures have been uniformly reprobated by the Court of Directors, and who in Fact have ruined India, must be accounted for. Be assured, Sir, that this Question, with every Thing that belongs to it, shall be brought forward, if it does not force itself into view before my Return. I am happy in thinking that you have no Share in the Conduct I complain of.

(Francis MSS. No. 40, pp. 511-14.)

No. 1*f*. *Francis to Sir George Wombwell. Calcutta*, 19th Jan. 1780.

. . . I am preparing Materials for the Information of the Public, which cannot be suppressed, and which, I believe, will account fully for the Ruin, which now threatens the Company, and the British Empire in India, and shew where it originates.

(Francis MSS. No. 40, p. 520.)

No. 1*g*. *Francis to Major Baggs. Calcutta*, 2nd Mar. 1780.

. . . I leave it to your own Discretion to make the proper Use of the Papers, inclosed in these Letters. Facts cannot be made too Public. My Opponents have hitherto succeeded by Concealment and Suppression. That sort of Policy should not be suffered to avail them any longer. *My* Interest, which in Effect is that of the Public evidently requires, that every Thing, concealed by *their* Friends, should be published by Mine. . . . Old Burgess, Ducarel and others have strongly recommended to me Mr. James Watson to be my Agent and *homme d'Affaires* in the East India House. He is a Lawyer . . . and has lately taken to India Affairs in which he proposes to make himself of Consequence. I want a Person of the Sort to bustle among the Directors and the Proprietors, and especially to speak at the General Courts, which I am told this Gentleman, does with Success. I wish you could get Sight of him and endeavour to sound him ; that is to fathom the Depth of his Qualifications, for I have no Doubt of his Disposition. If you find it likely to answer, you may then

communicate with him, especially about Publications. The Manner and the Degree I must leave to your own Discretion.

I could wish also that you would talk to Jack Bourke on this Subject. In short, do everything that is possible to bring India Affairs in to public View. There is no other Way to move them.

[Sends estimates of Military Establishments, etc.—Barwell's demands, etc.] " Pray communicate all these Particulars to Godfrey and let them be as public as the Trumpet of Fame can make them."

(Francis MSS. No. 40, pp. 593-602.)

Nos. 2.—Hastings' Friends approach the Ministry

No. 2*a*. *S. Pechell to Robinson concerning 'Hastings'*. 7th May 1779.

However little Reason I have to flatter myself with Hopes of Success in this Application, as my Principle is to do things fairly, I must once more trouble you in representing the evil Tendency of the present apparent Intention against Mr. Hastings, in regard not only to the India Company, but to the Public.

Notwithstanding the Opinion of a General Court in his Favour—a continued Exertion in the Direction against him—Opposition to him a title to Recommendation and Encouragement—the Practice of every Art, every Species of Misrepresentation wherein Falsehoods are not spared, have been the Reward he hath had for his Labours and the eminent Services he hath done the Company ! and all this Toil and Machination merely to have a pretence of putting another into his Office. The Refusal of producing Mr. Middleton's Correspondence might furnish an Occasion to the Triumvirate who opposed him of throwing out the vile Insinuation of Corruption, but as you have that Correspondence in your Possession, you know and my Lord North, through you, if not from his own Reading, should know that Charge to be groundless—that Corruption or bribing was not the Cause of that Secrecy, and permit me to add, he should have been cleared of that Stain.

I have had the Honour of two Audiences from my Lord North and am truly sensible of his Condescension. In each I dealt strictly in Truth: I wish I had possessed Powers sufficient to persuade him of what I feel so strongly. I have ventured to trouble his Lordship once more by accompanying this Narrative with a letter, shortly stating Reasons for Mr. Hastings being continued at the Head of any Administration which may be settled upon the expiration of the present.

This Opinion is not confined to a few partial Friends, 'tis that of a Majority of Proprietors who have a Property in that Stock worth their Care: 'Tis that of a considerable Number of worthy well-informed Persons, attached to His Lordship's Administration, who would think it a Happiness if Justice to those great Abilities and essential Services proceeded from his Lordship's Breast, and those Sentiments which naturally govern his Mind.

(Robinson Collection.)

No. 2*b*. *S. Pechell to Robinson. Richmond*, 23rd May 1779.

. . . Desires to see him personally and "have some Conversation on the Subject of it [Hastings]. I could not suppose you an Enemy to a Man who had never injured you and besides was a respectable Character for Work and Ability, but I knew that Persons in your Station are obliged every Day to make Sacrifices to Convenience and Necessity. This certainly was the Case when the Attempt was made to remove Mr. Hastings. The same Necessity does not now subsist, at least, it ought not—the Entanglements should have dropped with General Clavering. I am convinced that Mr. Hastings would be an Acquisition worthy of any Minister. This is a Subject more fit for Conversation than a Letter. . . . If you choose to take up the Subject I shall wait on you when you please."

(Robinson Collection.)

Nos. 3.—Abstracts of Letters to Hastings. Oct.–Dec. 1780

No. 3*a*. *Ed. Baber to Hastings.* 6th Oct. 1780.

I am assured by my uncle General Cowper that Lord North has declared he will support you and your measures and there is not a doubt I believe of your possessing Ministerial influence enough in the Cabinet to keep you in the Chair as long as you please. . . . I am to be personally introduced to Lord North and am determined to have no intercourse with him through *Vackeels*. I mean to carry the letter which Mr. Macleane ought to have delivered in my hand and read it to his lordship. It is dated the 15th Sept. 1766 and as you will find on a reference to it, contains your plan of government for India. It is fortunate that Mr. Macleane did not deliver it, for *now* is the time when his Lordship will be more glad of such a plan than at any other period. . . . I will explain everything to Lord North personally and tell him that I will have nothing to do with Ministerial agents. They are not to be trusted.

(B.M. Add. MS. 29146.)

No. 3*b*. *Same to Same.* 20th Oct. 1780.

I came to town the day before yesterday on purpose to be introduced to Lord North—had the honour of a private audience—was graciously received—talked with him for two hours. I took with me a copy of your letter of the 15th Sept. 1766. . . . As I had a very fair opportunity of presenting it I did so and told his Lordship how ill you had been used in not having the letter delivered before. He made no particular reply to this but read the letter half through—a conversation followed on Goddard's success—I pointed out that I knew your end and aim in the expedition was to obtain an honourable and if possible permanent peace and to secure some advantages of territory to the Company on that side of India which might assist in preventing a great part of the vast drain from Bengal. That the idea of conquest was foreign to your plan, and that to secure and connect the different Settlements in India by convincing the Mahrattas and every other Power that the force in Bengal could be sent to assist or co-operate even on the opposite side of the Continent was your grand object. To this he assented and said it was with the Mahrattas as with

all other states. None of them regarded treaties but such as were made by force. Lord North inquired as to the situation of the other powers in India. I answered there was nothing to be apprehended and that Bengal was as safe from any attack as London itself. He inquired as to cultivation and population. I pointed out that the inhabitants were *under your wise laws and regulations* secure in their persons and property and that if you were permitted to govern there could be no doubt of the prosperity of Bengal. That your abilities, experience and knowledge with the peculiar advantage of the personal attachment the most considerable of the natives had for you rendered you particularly qualified for promoting the Company's interests, the national honour and the Country's welfare. To all this he gave a nod (for *entre nous* he hardly does anything else). He said nothing of continuing you in the Chair and of course I could only lead to the subject which I did as often as I had an opportunity, but he never continued that part of the discourse. However my dear Sir there is not a doubt about it. Everybody that speaks on the subject whether for or against your interests concur in opinion that you may stay as long as you please. The letter I delivered to his lordship must be a very welcome one and it is now lucky that it was not delivered before for it contains some useful hints that my lord will certainly adopt in his plan for India whenever that is laid before the House. . . . In the meantime I shall attend his Lordship's levees constantly and keep up as good an intercourse as I possibly can and what will facilitate this is that some of my friends are particularly intimate with Robinson, the confidential man of his Lordship ; so that I hope on the whole I may be of some use to you. . . .

(B.M. Add. MS. 29146, p. 173.)

No. 3c. *Same to Same.* 23rd Dec. 1780.

Everything regarding you and Bengal is deferred till this Fleet is gone and then you are to be attacked on the subject of the Mahratta war, when General Smith is to prove that you have ruined the Company by this expensive undertaking—Governor Johnstone too, I hear is averse to Mahratta Politics and on this topic he means to hold forth. In a word it is the only measure which I understand your opponents have to find fault with—except the circumstance of disobedience to the orders of the Court of Directors, and this is represented to be a high crime and misdemeanour in the eyes of the Proprietors. . . . The great orators in the Court of Proprietors, amongst whom are the great Mr. Burke, Mr. Dallas, Mr. Jones, Governor Johnstone etc. . . . I say that these great men speak well and "*wisely too*", but that the Majority, which is previously agreed on, carry all points against their eloquence ; so that, if your friends are the Majority, which I believe they are, there would be nothing to fear from their attack. . . . Everything depends on success of the War—It is success which justifies or condemns with the world.—Trust the next advices will bring news of the successful issue of " your Mahratta war "—I call it yours as Pitt called the German war, " my German war ".

(B.M. Add. MS. 29146, p. 382.)

No. 3*d*. *Draft from Robinson to Hastings.* (*Private.*) 19th Feb. 1781.

You may be surprised at receiving a letter from me after the part I have taken respecting your conduct in India, but when you find that it is in Compliance with the request of your Friends, I trust this will account for the seeming impropriety of it. If Mr. Pechell and your other friends here have stated to you my conversations with them, as I trust they have done, you would find that my sentiments were not personally hostile to you but that they were founded, on what I much lamented, my Ideas, that you did not act in those matters wherein I differed with you, from the free judgment of your own mind, but from the necessity to give way to, and support others, of whose purity of Intention and Conduct I had not so good an opinion, in order to preserve yourself, your consequence, and your situation. I lamented this necessity, but I did not think it could justify the omission to correct misconduct and abuses in individuals, which might prejudice your state, or that it ought to prevent the Reformation, which was so much the object of your Government and so essential to the welfare and prosperity of the Countries under your management. I lamented too that unlucky and unhappy disunion in your Councils from which the whole of the mischiefs sprung, arising first from trifling errors, mistakes and misunderstandings on both sides, but which from continuance increased to such a state as might have been fatal to the Empire in the East. I anxiously wished to prevent the evil. These, Sir, were the honest sentiments of my heart and the guide of my conduct, and are such as I believe your own mind (if I have formed a right judgment of your abilities, good sense and understanding) will not disapprove.

From the moment I saw glimmering hopes that the end, so very advantageous to the Publick and so much wished for cou'd probably be attained, and that there was a chance of bringing about an Union of Councils, to proceed in the great work of forming and establishing a system of Government, to give prosperity and security to our Possessions in India, and permanency to the Empire there ; I desired most anxiously to forget all that was past, and to look to these great points in future.

Your friend Mr. John Macpherson being sent out to you as the successor of Mr. Barwell is a strong proof of these sentiments being the object of persons at home. His mild temper, conciliating manners, and good sense, will it is hoped bring about an Union in Council and the rest will consequently follow ; to attain these great and most desirable purposes, every endeavour, every means and every exertion on my part shall be used ! I have wrote therefor to all the Supreme Council of Bengal and to Lord Macartney and Sir Edward Hughes and I most fervently wish this may have weight. Mr. Macpherson will show you all, he is perfectly acquainted with every sentiment of my heart relating to India and to him in whom I know you have confidence I refer you—He will perhaps tell you that I am enthusiastick abt. India and look up to it as the Salvation, as the Wealth, the Grandeur, the Glory of this Country. I have heard you dont differ much from these ideas and I feel bolder then by having your knowledge and your abilities concurring with me—Unite, reform real abuses, form a system of Government on sound principles of Justice and Equity and abundance, extensive Commerce, and riches will flow from it to the whole Empire and Honour to you all. In this Conduct you will meet not only

with the support of all here, but with public applause and approbation,—Divisions at home, and the present state of the times, prevent our getting forward with that part of the system which it is necessary to do at home, but things are preparing for it, and you will probably hear the outlines of it by the last ships of the season; they have much however to do with you, very much indeed in *my opinion*, as you will find from Macpherson, for here only general rules can be laid down; with you the execution not only of the general system but also of its improv'd parts must rest for the good Government of the Countries, the extension of our trade and for the increase of the wealth of the Empire in Peace and Security, which that you may attain, believe me is the sincerest wish of one who assures you that he will be happy to labour with you in the vineyard of these purposes.

P.S.—Your friend Mr. Barwell is just upon the point of coming into Parliament for Helston in Cornwall.

(Robinson Collection.)

Nos. 4.—Lord North and the Recall of Hastings

No. 4*a*. *Lord North to J. Robinson. Dillington*, 27th Oct. 1782.[1]

Your express has disturbed and perplexed me beyond expression: Since the rising of Parliament I have heard nothing respecting India affairs and I imagined that all attempts to recall the Supreme Council had subsided, at least. That since the last Advices, the Idea of removing Mr. Hastings would be dropt, for a time; But now I find myself called upon suddenly and without the least notice to take an active part in order to preserve a Gentleman in the Government of Bengal, of whose conduct on several Occasions I have often expressed my disapprobation and whom, I myself have endeavour'd in vain to remove. If I desisted from that pursuit, it was partly from despair of Success and partly, because, since the death of Sir John Clavering and General Monson, I knew no Person whom I wished to see in his place.

I own, I wish that our Friend the Commodore had not been so gallant, but had been contented with his Victory in the General Court, without risking his question a second time at a Ballott. My next wish is, that your express had not come so late and that I had not been under the necessity of acting in an affair, in which I cannot act with weight, from the shortness of the notice, or, without some appearance of inconsistency, on account of my former conduct.

As to the recall of Mr. Hastings I am certainly of opinion, that it is a rash and ill-advised measure, especially at this time, when the circumstances of India require in a Governor General the most tried abilities, the greatest experience and the most perfect knowledge of the Country and when the last advices from thence have given the Company every reason to be satisfied with the late conduct of Mr. Hastings. To send a perfect stranger there at this moment, appears to me so impolitic and so little likely to give satisfaction, that I wonder the Ministers have attempted it. From hence you will see, that I shall be very glad to act in this business with Governor Johnstone and our other friends and I believe, the bulk of

[1] Part printed in H. MSS. C. 10th Report, App. Part vi. 55.

the Proprietors, unless the objections which I will now state should appear to you of sufficient force to render it improper for me to interfere.

1. I have frequently express'd my wish that Mr. Hastings might be recall'd and do now think that many parts of his conduct have been very exceptionable, and that his constant disobedience to the orders of his Superiors, may, if not discouraged prove of very pernicious example to the public.

2. I proposed, promoted and encouraged the Secret Committee, who first advised Mr. Hastings's removal. My friends in that Committee may take it ill of me, if I appear to set my force against their measure.

3. Most of my friends are out of Town, and those who are not, will possibly not be able to attend at so short a notice, and those who do attend, may not advert to the difference of circumstances and be unwilling to vote for Mr. Hastings now, after having formerly voted, at my request, against him.

If, upon mature consideration, you should think that these reasons are not of sufficient weight to render it improper for me to act at all, I authorise you to inform my friends, that I highly disapprove the idea of recalling Mr. Hastings in this critical moment and you may be assured, that I will not disavow you.

In matters of such importance I do not love to be *neuter*; But the short notice I have had of the approaching Ballott and my absence from Town will perfectly well account for my neutrality, if, upon the whole, you should think it not advisable for me to take any part.

Perhaps the circumstance of Parliament having adopted the sentiments of the Committee against Mr. Hastings may be an additional objection, unless my interference is necessary and likely to be of considerable weight.

I beg pardon for giving you this trouble; you are upon the spot. You may see the Lord Advocate and many of my other friends: You can judge, what degree of assistance we can give and how far our interference is necessary, better than I can at this distance: There is no time to receive answer to any questions: I do not like peremptorily to desire you to apply to our friends, but to leave it open in some degree to your determination, with which I assure you beforehand I shall be satisfied; understanding always that my friends will either be *against* the recall of Mr. Hastings or *neuter*, for it is impossible for me to wish that my friends would join the Directors in a measure which appears big with danger to the Public.

P.S.—If many of our friends can be brought to the Ballott, it may be of service to show weight we have among the Proprietors.

Endorsed—" Recd. 29th P.M. Saw Mr. Johnstone 30th, ansd. 31st ".

(Robinson Collection, No. 483: original letter.)

No. 4*b*. *Lord North to J. Robinson. Dillington*, 27th Oct. 1782.

Private and Separate.

I write this letter separate to tell you that I have referred Commodore Johnstone to you for my reasons *pro* and *con* about interfering in the Ballott. I wish you would shortly state them to him with your opinion upon them: Being obliged to write to him I thought it necessary to say

that I would willingly be determined by your judgment and his : He will probably press my interference and indeed, unless the objections are weighty, I had rather consult the public good than my own reputation of consistency. This, however, is not to be risked lightly and if you are perfectly certain I can be of little service or that you can do without me, I have stated this to Johnstone, that I am sure, he will not wish to embark me in this ballott to my discredit.

To the second part of your letter, I have only to answer, that I shall be at Bushy Park in a few days, perhaps on Thursday next. Your express to-day has embarrassed me beyond measure, and I am afraid that it is too late for my interference to be of much service.

Endorsed—Recd. 29th P.M.
Ansd. 31st.

(Robinson Collection, No. 484 : original letter.)

No. 4c. *Lord North to J. Robinson.* '*Hastings Removal.*'

Dillington, Oct. 27th, 1782.

Private and Separate.

Upon maturer reflexion, I have thought it better to inclose my letter to Governor Johnstone to you under a flying cover, that you may read it and judge if it is proper to be sent. If you should think it better not to send it, I wish you would endeavour to write to him, or see him immediately and let him know, that I was afraid to detain the messenger and therefore did not write, but that I received his letter and am much obliged to him. In the meanwhile you will determine with yourself, whether or not to send to my friends for the Ballott, and if you should think it better not, you will assign such reasons as you think best, and attribute them, if you please, to me. I repeat again that you may depend upon my approving of your determination ; uninformed as I am of some material points and hurried and harrass'd as I have been by your express, I cannot determine absolutely for myself. My pen is ready to drop from my hand, so good night.

Recd. 29th P.M.
Answd. 31st.

(Robinson Collection, No. 485 : original letter.)

APPENDIX TO CHAPTER VI

(THE following extract of a letter from Francis to William Burke on the Oudh Charges, with Bristow's letter in reply, is illuminating on the tactics employed to secure evidence against Hastings and on the validity of that evidence.)

No. 1. *Extract of a Letter from Francis to William Burke.*

(Enclosed in Bristow's Letter of 29th Feb. 1788; see below.)

They will chicane all they can upon Evidence; and in some Points they will do it with Success; but for the greater Part, the Evidence is fully sufficient, to convict him, of very material Parts of the Charge; and there will be in all Parts sufficient Evidence to offer, which whether legally admissible or not, will be enough to justify the Commons in the Allegations they have made against this great Eastern Offender. He has done everything that was almost possible to destroy Evidence, and to suppress Correspondence. But many Things have escaped his Diligence. The Points, upon which, must be the most urged anxiously are those relative to Oude, the great Theatre of his Iniquities. Bristow in his recriminating Defence has brought out a great Deal, but by no means all that he knows. He has sent over a Book which has been put into Mr. Burke's Hands, and which has been of Use. There are three or four Things in that Book, most material; however, as it cannot be proved, that he actually sent over that Book, tho' in most of the Leaves, it is corrected and interlined with his own Hand (which Hand can be proved) it is doubted whether it can be received in Evidence. The Points on which they are the most solicitous are those relative to . . . the two Presents (for two there were) made altho' Middleton and Johnson in the Year 1782 do not allow it. On the first of these, Bristow tho' in general distinct . . . so far as relates to the Transmission of the Bills to Calcutta, and the Return of them to Johnson, and their never having returned to the Hands of the Nabob of Oude's Minister. *Bristow thinks that he has done enough to secure himself from the Resentment of Hastings.* But unless that Gentleman is finally convicted, Mr. Bristow may assure himself that he is not safe. Hastings' Friends predominate in the Direction; and they have actually ordered a Copy of a Letter, directing Bristow to be sued for the Batta which Hastings accused him of receiving in Oude. As soon as Mr. Burke had the Intelligence of this Measure he gave Notice of it to General —— and at the same Time, had a strong Hint conveyed to certain Gentlemen in the Court, that if, in Revenge for the Evidence given on their Records, by Mr. Bristow, against Mr. Hastings, they were resolved to attack him, for

a Matter which, whether justifiable or not, was only a Profit he enjoyed in common with others, his Predecessors, he should by no Means suffer alone. In Consequence of this Step the Draft of the Letter remains in the India House and unless some Steps have been taken lately, and of which, I am ignorant, they have not proceeded further in that Matter. Mr. B[urke] thinks it a Duty he owes to those by whose Means any Truth has been brought to Light to stand forward in their Favor, to the best of his Power. I am sorry to say, that these Gentlemen do not think, that there is any Sort of Reciprocity to be observed on those Occasions, when they think that they have done Enough to secure themselves, they are indifferent in what State they leave those, by whose Means they have acquired their Safety. It is true, that it is not to oblige them that this Business has been pursued; but it is certain, that when Men are met, tho' from different Views and Motives, in the same honourable Design, there arises from thence, Duties which, they owe to one another. I am sure Mr. Bristow would have been ruined if Mr. Hastings had governed the East Indies, which, but for this Prosecution he would have done, undoubtedly he, Bristow, ought not yet to be so confident as to neglect the Means towards his final Security. Hyder Beg Khan says that the Complaints against Col. Hannay had been forced from him by Mr. Bristow. The Assertion concerning the Force I take not to be true: But that Mr. Bristow had got from him the Complaints he alludes to, must be Fact. Those Complaints, tho' material to make out much the strongest Parts of the Charge against Hastings, are not transmitted. . . . I am exceedingly anxious to have this Matter placed in its fullest Light. You will ask, why so anxious, as the Trial apparently will be over before the possible Arrival of any satisfactory Information relative to these Objects? But I think it far from impossible, that Hastings will apply for a Commission to India to examine Witnesses, and that such a Commission will not be denied. As to his Intention, I hear both ways. But if his Counsel see nothing, but Delay in his Favour, they will attempt it, and I confess I am very desirous of our Friend B. being armed as soon (even before the Commission) as possible, with strong and decisive Matter. It will not be in the Favour of Gentlemen, in Case such a Commission goes out, to slur the Matters in Question, or to bury them, or any Part of them, in Oblivion. They must answer, whether they will or no: and the sooner they furnish the necessary Matter, the more honorable and the more useful it will be. If the Trial should come on without all the Evidence, which we might and ought to procure, yet it will be perfectly satisfactory to B's Honour, if such Documents are procured, as may tend to shew, that Burke proceeded on strong Grounds, tho' the full Elucidation may not appear in Time sufficient for all the Ends of Justice. However, my dear William, I leave all this to your Prudence and Discretion. If you think that you ought to persevere in the Course you have hitherto happily pursued, that is to have Nothing at all to do with public Affairs, you will not give even those Hints to Mr. Bristow or to Mr. J. Macpherson, by whom I take it for granted he is principally directed. Indeed, I believe it would be the better Way to take no Notice of what I have written on this Subject to the one or the other, so far as to yourself. To return to what I was saying, merely as Speculation, I am sensible that Gentlemen in India are of Opinion, that Silence, Concealment and general Oblivion is the best Policy for them all,

as a Description of Men. Perhaps, in general, it may be so. But in this Case it is certainly otherwise. There are two strong, struggling Parties with regard to Indian Affairs. The one holds that the whole Source is equally corrupt, and that too heavy a Hand cannot be laid on the Individuals. At the Head of this Party is Hastings himself. The other Party, in which I reckon my own Person, and strenuously B[urke] thinks that, whatever very material Corruption there is in the Service, is owing in a great Degree to the Power, evil Example, and the Impunity, and even Reward of three or four Persons, of which Hastings is the first ; and that no Punishment ought to extend beyond them. I hope that at length Burke has got over Persons in Power to that Opinion. But we may depend upon it, that in Proportion as this latter Party is supported, acredited and strengthened, the other will decline and vice versa.

(Francis MSS. No. 47.)

No. 2. *Bristow to Francis. Calcutta,* 29th Feb. 1788.

I wrote you under Date the 19th Instant, since which the Ranger Paquet brought me your Letter of the 5th June 1787. I am sorry you should seem to think, that my Communications have not been sufficiently explicit, for I endeavoured to make them as complete as my Information went. I thought, I had stated, not only my own Transactions, but a Variety of other Matter, in which I had no personal Concern, and I believe you will do me the Justice to say, that the Materials I furnished, assisted in leading to direct Proof on many essential Points.

The Begum's Transactions were wholly collected, and transmitted by me ; indeed, I was the only Person, in Possession of the Documents, and they make a conspicuous Figure in the Impeachment.

I do not mean, however, to attempt at answering your Charge of Negligence, by a Set off, of Claims to Merit for Services rendered. You will refute that Argument, by saying that it was in Fact, only doing my own Business ; your Letter, besides is sufficiently plain to apprise me that this is not the Question—Acts and not Words, are required of me now ; and, if you had not spoke an intelligible Language, it was impossible for me to have misunderstood the broad Hints contained in the accompanying Extract of a Letter (No. 1.) delivered to me by Mr. William Burke.

Other broad Hints to a similar Effect, have been communicated to me, through another Channel, equally authentic (Vide No. 2).

So far from being alarmed or dissatisfied at any Thing, therein contained, I confess that I am extremely obliged both to you, and to Mr. Burke, for the Candor of this Proceeding. I have suffered severely from acting under many who had not the Wisdom or Courage, to avow the true Objects, they had at Heart, but you have plainly told me yours.

I will candidly confess to you that the disagreeable Circumstances of my last Residency at Oude, and the Mortification attending political Pursuits, have so sickened me of public Life in India, that I wished to change the Scene. . . . Notwithstanding these Dispositions, I find my Residence here, may be necessary to accomplish the Points, now notified to me and so far from being able to retire, I am likely to be engaged, still deeper than ever in political Life. I can have no Doubt of the Line of

Conduct, I should follow, which is certainly to go on with you, to whom I owe the Foundation of my Fortune—and to this Resolution I am not only led by personal Attachment, but an Opinion of the Cause, and the Abilities, and Honor of the Parties engaged in it.

I have already mentioned in the first Part of this Address, that I thought, I had made my Communications, as complete, as my Information went, but this, the Paper No. 1. denies, and it is remarked, that, "my recriminating Defence has brought out a great Deal, but by no means all that I know ". Two Points are specified, as wanting Evidence, " Hannay's Transactions " and the smuggled Present of the ten Lacs.

In answer, I beg Leave to call your Recollection, that no specific Points, as wanting Evidence, have until this Instant, ever been communicated to me, either directly by you, or thro' any other Channel, and of course, my Candor cannot be impeached, for intentional Obscurity in what I did not know to be obscure. Before I explain these Points, however, I take the Liberty to refer to some previous Matters, particularly, another Passage in that Paper, which conveys a Wish to have made Use of the History I sent over, as Evidence. It is acknowledged to have been of Use, but cannot be produced in Evidence, from the Difficulty of authenticating it.

In the same Spirit of Openness, in which you have spoken to me, I avow, it never was my Intention, that that History should be published—or, that I should, personally, be produced to authenticate Facts, it contains. The Style, renders it an unfit Work for Publication. My own Transactions, I certainly could prove. Many of the Transactions, likewise not mine, but about which written Documents exist, may be proved. There are Others again, which I have stated, I mean those founded upon Information, drawn from Conversations, and verbal Enquiries of Persons, resident on the Spot, which tho', I believe, the whole to be equally true, are of a Nature not easy to be brought to Proof.

My Motive in sending that History was to furnish an Index, wherefrom, you might direct your Attention to Enquiries, which should lead to authenticate the Facts. It has had the Effect. Tho' Hastings's Conduct towards me was such that the Majority of his Friends have admitted the Propriety of my recriminating Attacks ; yet as in doing this, I was unavoidably led to introduce the Names of Persons, with whom I had lived in Habits of Friendship, and against whom I could intend no Harm, to be the Instrument of impeaching them, would render me obnoxious. Producing me personally even to authenticate Facts against Hastings would perhaps be better let alone, as Matters went these Lengths between us, that anything I should affirm, might be imputed to Resentment. Besides, on the essential Points, my voluminous Remonstrances, and Representations, already on Record, probably contain enough to do the Business. In all Events, in Regard to Individuals, in general, making me the Instrument of Attack will rouse such a Host of Enemies, as may ultimately overwhelm me. In short, the History was intended for a confidential Communication to you ; to Mr. Burke and your confidential Friends, and it will be a most awkward Circumstance to me, if produced as Evidence, for I never wrote it under this Impression. The Situation of the second and third Characters in the political Scene, is very different from that of you gentlemen Leaders. You possess the Advantage of Station, Talents and Experience, to main-

tain your own Ground in the House of Commons, and can speak for yourselves ; while I, as a third Character in the Piece, with my Indian Education and Ideas, should act under the greatest Disadvantage. The Publication of the History will make me, at once, a Principal in the Business and not feeling a Confidence in my Powers to support the Character, I trust in your Friendship, that it has not been published, and as it is acknowledged to have been of Use, I hope it has been applied to the proper Use, and that in no Instance, it may be hereafter published in my Name, or, in any Way, that should avow me for the Author—a Confidential Correspondence does not contain fit Matter for Publication, and in my Case, it would, besides, make me too marked a Character, and incapacitate me, from the Means of obtaining Information, or being of any future Service.

I beg, therefore, as a Condition, and which I do not think an unreasonable one, that the Perusal of my Letters may be confined to you, to Mr. Burke and your confidential Friends, and that they may never be produced, as Evidence, in any Case, whatever, without my express Sanction. I think it would be better to keep me entirely, out of public View, if possible, as the surest Means of enabling me to render Service. . . . I beg the Favour of you to make my sincere Acknowledgements to Mr. Burke, for the strong Hint he conveyed to the Directors on the Subject of the Prosecution ; for, whatever Confidence I may myself possess, that nothing could be made of it, still it must be a disagreeable and troublesome Business, and had better be warded off if possible. A just Sense of the Kindness of Mr. Burke's Conduct alone, would influence me to make every Return in my Power, and this added to a Conviction, that the Honor of the Party is implicated in the Issue of the Impeachment, will I trust, satisfy both Mr. Burke and you, that I could hardly fail, so essentially, in Spirit and Gratitude, as to shrink at so critical a Period. The Mode of employing me, however, is the Point, which merits your Consideration, and on this, I have given my Opinion, that More may be done by my confidential Communications, than by producing me, personally, to authenticate Facts. . . .

. . . In Paper No. 2. it is recommended that the Charges should be put into the Persian Language. On this Head I have considered very maturely, and there arise strong Objections against it, which I make, entirely from Knowledge of the Characters of the Natives. Where it has been in my Power, I have laid it down as a Rule, never to be deviated from, that the Natives should not be connected, as Parties, in any of our Transactions. . . . You may depend on it that Hyder Beg and the Parties, whom the Charges affect, are fully informed of the Whole of their Contents, for few public Matters, which relate to India, are unknown to him. . . . I beg you will explain these Circumstances to Mr. Burke, and as I wish to shew the utmost Respect and Deference to every Suggestion of his, I hope he will be satisfied with the Reasons, I have assigned, for I really think, the translating the Charges might do Harm and would not, on the other Hand, forward the Cause.

For an Answer to the two specific Points required of me, I refer to the Enclosure No. 3. and now I believe I have replied, in a Style, that I trust will afford Satisfaction. I am prepared with all necessary Documents, having long supposed the Possibility of a Commission for the Examination

of Evidence. That I should not wish it to happen, is natural in my Situation and I hope enough will be proved at Home to convict Mr. Hastings ; for a Commission of this Nature, whatever good it may do, will on the other Hand, light a new Flame of Dissension, here, and the Natives, and Country Powers will form Conclusions from it, of Divisions subsisting in our Government. I have discussed the Suggestions communicated to me with Freedom, which, I hope the Candor and Judgement of you and your Friends will tolerate, and if the Objects you have in View, are but attained, and I act my Part, I trust my selecting those Means, which will least expose me, as a Character for Observation can only be deemed a Measure of Prudence. The Directors, likewise, as I have repeatedly remarked to you, are jealous of the Correspondence of People in India, and Caution is necessary in guarding against their intercepting our Letters. . . . Concerning my Intention of returning to England, next year, if my staying will effect any Purpose, I shall willingly stay a Year or two longer, and therefore, inform me on this Head. . . .

(Francis MSS. No. 47.)

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